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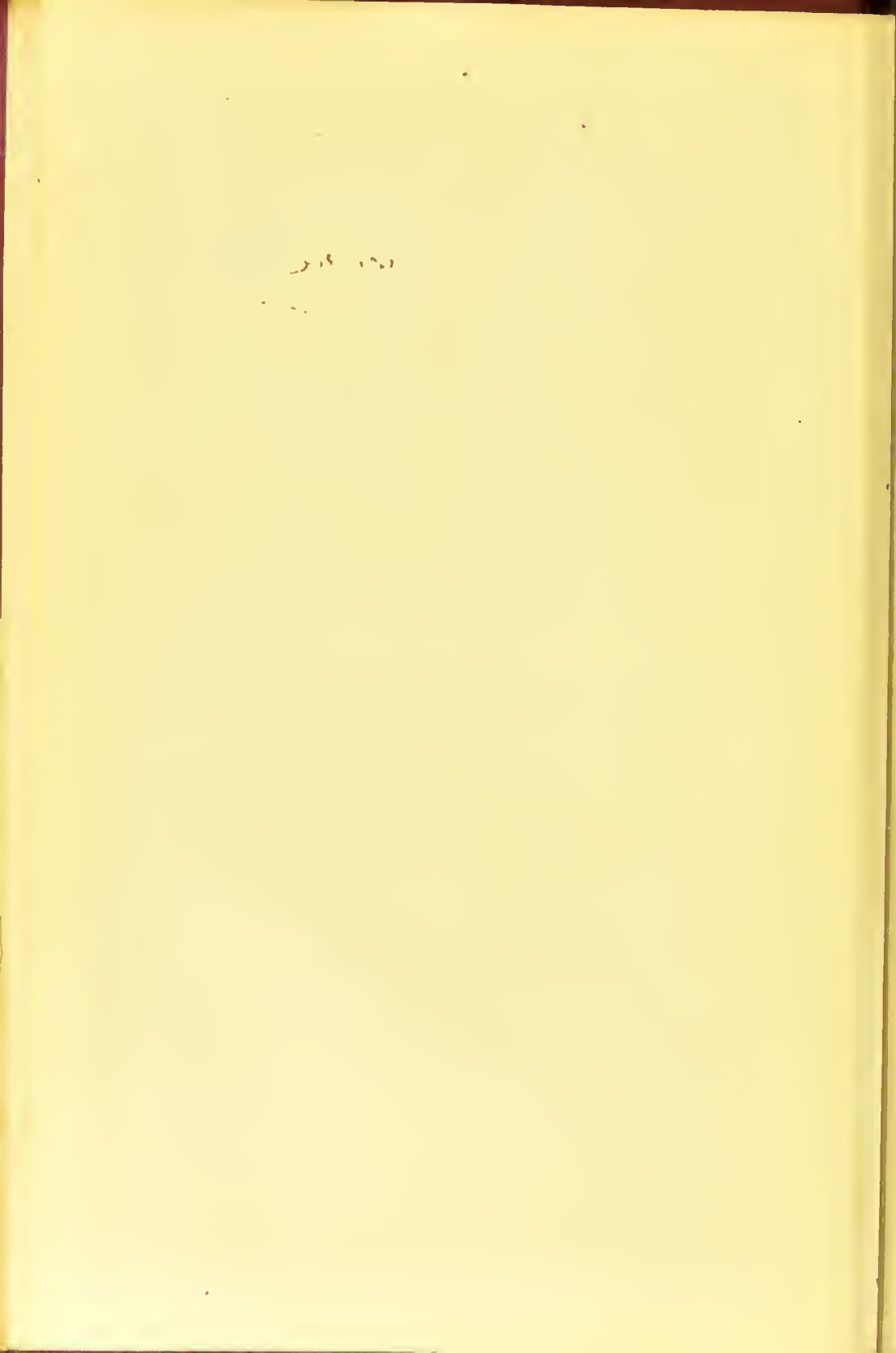
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LOCAL GOVERNMENT BOARD,
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SHAWS' MANUAL OF THE
VACCINATION LAW



SHAWS' MANUAL
OF THE
VACCINATION LAW

CONTAINING THE

VACCINATION ACTS, 1867, 1871, 1874, 1898 & 1907
THE VACCINATION ORDERS, 1898, 1899,
1905 & 1907

AND THE

INSTRUCTIONAL CIRCULARS AND MEMORANDA ISSUED
BY THE LOCAL GOVERNMENT BOARD

WITH

INTRODUCTION, NOTES AND INDEX

BY

JOHN LITHIBY, C.B., LL.B.

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW

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PREFACE.

THE law relating to vaccination has been modified in important respects by the Vaccination Act and Orders of 1907. By the Act of 1898, persons having a conscientious objection to vaccination were provided with means of escape from the penalties for refusing to submit their children to the operation, and the Act of 1907 has varied the method of obtaining exemption. The cost of vaccination under the Order of 1898 was found to be unduly heavy, and the Vaccination Order, 1907, has enabled Boards of Guardians to materially reduce the fees payable to public vaccinators.

A second order, the Vaccination Order (No. II.), 1907, has made a large number of adapting alterations in the Order of 1898, rendered necessary by the new Act. In the present volume all these alterations have been inserted in the print of the Order of 1898, and that print may be read as a consolidation of the different orders.

The Seventh Edition of this Manual, which was issued after the publication of the Order of 1898, is now out of print, and a further edition has been called for. The opportunity has been taken to revise the

whole work, and to add thereto the cases which, since the passing of that Act, have been decided by the High Court, together with additional notes on administrative points which experience in the working of the Acts and Regulations has brought to light.

All the statute law in force on the subject is included, as well as all the decisions of the High Court bearing thereon, the circulars of the Local Government Board, and various useful memoranda.

The Introduction contains a brief historical statement of the law, an epitome of the principal conclusions of the Royal Commission on Vaccination, on which the more recent legislation was based, and a statement of the circumstances that led to the passing of the Vaccination Act and Orders of 1907.

The Editor confidently hopes that the Eighth Edition will meet with the favour which has been generously bestowed on the editions which have preceded it.

J. L.

February, 1908.

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INTRODUCTION.

IT is a matter of common knowledge that the system of vaccination which is now practised throughout the civilized world owes its origin to the observation and scientific researches of Edward Jenner. It is recorded that when a village doctor's apprentice, in Gloucestershire, Jenner became aware of the local tradition that persons who had become infected by a certain eruption, occasionally observed on the teats of cows, were afterwards proof against the attacks of ordinary smallpox. This information, acquired early in his professional career, was never forgotten, and for many years Jenner quietly and patiently investigated the subject until he had accumulated sufficient evidence to justify him in bringing his conclusions before the public. In 1798 Jenner published his "Inquiry into the Causes and Effects of the Variolæ Vaccinæ," and clearly showed that the cowpox, under certain conditions, protects the human constitution from the infection of smallpox. Early in 1799 a great series of public vaccinations was begun in London. In 1801 Dr. Jenner stated that "upwards of 6000 persons had been inoculated with the virus of cowpox, and that the far greater part of them had since been inoculated with that of smallpox, and exposed to its infection in every rational way that could be devised, but without effect. This statement

was confirmed subsequently by other observers, notably by Dr. Woodville, of the Smallpox Hospital. In 1802 the subject of Dr. Jenner's discovery was brought before the Legislature, and a Committee of the House of Commons, after examining a number of witnesses of the highest character and most extensive experience in the medical profession, reported in full corroboration of Jenner's views.

As the practice of vaccination increased, opposition grew up, and assertions of the wildest kind were made against it. In 1805, and again in 1806, inquiries were instituted as to the nature and truth of those assertions. The second and more important of these inquiries was undertaken by the Royal College of Physicians, in consequence of an address to the King, voted by the House of Commons. The inquiry lasted nine months, and the report of the College was decidedly in favour of the system. "The College of Physicians," it stated, "feel it their duty strongly to recommend the practice of vaccination. They have been led to this conclusion by no preconceived opinion, but by the most unbiassed judgment, formed from an irresistible weight of evidence which has been laid before them."^(a) The result was brought before the House of Commons on July 29, 1807. "Henceforth," says Mr. Simon, "the public mind was apparently quite satisfied on the subject; and from this period begins to date the almost universal vaccination of children of the educated classes in this country."^(a) But although the practice of vaccination began to be popular in 1807, and although the House of Commons recognized its value, and substantially rewarded its

(a) Report of the Select Committee on Vaccination, 1871, Appendix, pp. 355-6.

discoverer, it was not until the year 1840 that the matter was dealt with by legislative enactment. In 1840 the first Vaccination Act (3 & 4 Vict. c. 29) was passed. This Act, which was amended in 1841, provided means of vaccination, at the public cost, for every person in England and Wales, but left it entirely optional whether he should avail himself of its advantages. Thirteen years later, in 1853, the 16 & 17 Vict. c. 100, made vaccination compulsory. It directed guardians and overseers to divide their unions and parishes into districts for the purpose of affording increased facilities for the vaccination of the poor; it required stations to be established in each district, at which the medical officers should attend to perform the operation and inspect the result; and it imposed a penalty on parents and others having the care of children, who, after notice, should fail to cause children under their control to be vaccinated, or when vaccinated to be taken to the vaccinator for inspection.

In 1858 a further step was taken by the Legislature. The 21 & 22 Vict. c. 97, which was passed for one year only, but was made perpetual by 22 & 23 Vict. c. 3, conferred on the Privy Council certain powers for promoting and superintending the execution of the Vaccination Acts. In 1861, by the 24 & 25 Vict. c. 59, guardians were authorized to appoint a person to institute and conduct proceedings for the purpose of enforcing obedience to the Acts; and power was given to justices to certify for expenses incurred by any one so appointed, or by any registrar of births and deaths, or by any medical officer of health appointed under an Act of Parliament. The statute further declared that proceedings for enforcing penalties, on account of neglect to have a child vaccinated, might be taken at any time during

which the parent or guardian of the child was in default.

A difficulty, however, arose in enforcing penalties against a parent who, having been once proceeded against and fined, contumaciously persisted in his refusal to have his child vaccinated. In *Pilcher v. Stafford* (33 L. J. M. C. 113, &c.) an information was preferred against Stafford for neglecting within three months after the birth of his child to take it to one of the appointed medical officers for the purpose of being vaccinated. The defendant pleaded, in answer to the charge, that he had already been previously convicted upon a similar information, that he had been fined, and had paid the penalty and costs, and that, therefore, he was entitled to the protection extended to the persecuted by the old maxim, *nemo debet bis puniri pro uno delicto*. The case was argued before the Court of Queen's Bench, and the Court held that when once the offence was complete and had been dealt with, and the person offending punished, further proceedings could not be taken against him under the existing law, although the child still remained unvaccinated.

In 1866 a Bill was brought before the House of Commons to consolidate and amend the law relating to vaccination. During the session of 1867 a similar Bill was again brought forward, and after reference to Select Committces of both Houses, was passed, and received the Royal Assent on August 12, 1867. This Act (30 & 31 Vict. c. 84) repealed all former Acts relating to vaccination, and required guardians to divide unions and parishes into vaccination districts, subject to the approval of the Poor Law Board [now Local Government Board], and to contract with some medical practitioner for the performance of vaccination within

the district assigned to him. The qualification of the vaccinators was prescribed by the Privy Council, and the statute provided for special allowances to public vaccinators, and specified the *minimum* fees to be paid.

Provision was made for re-vaccination, for granting the necessary certificates, and for the payment of expenses incurred by the guardians in carrying the Act into effect. When vaccination was performed by a medical practitioner other than a public vaccinator, he had to sign a certificate which the Vaccination Act, 1871, required to be sent by the parent to the vaccination officer of the district, whose duty it was to take the requisite proceedings for the enforcement of the Act.

The Act of 1867 also provided that every parent or person having the custody of a child, who neglected to take it to be vaccinated, or to be inspected after vaccination, without rendering a reasonable excuse for such neglect, should be guilty of an offence, and be liable to be proceeded against summarily, and upon conviction to pay a penalty not exceeding 20s. It gave power to a justice of the peace, upon receiving an information in writing, made by the officer appointed by the guardians (under the 34 & 35 Vict. c. 98) to enforce the provisions of the Vaccination Act, 1867, that such officer had reason to believe that any child under the age of fourteen years had not been vaccinated, and that notice had been given to the parent or person having the custody of such child to procure its being vaccinated, and that such notice had been disregarded, to summon such parent or person to appear before him with the child. Upon investigation the justice might, if he thought fit, make an order directing the child to be

vaccinated within a certain time, and if at the expiration of such time the child had not been vaccinated, or shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom the order had been made might be proceeded against summarily, and unless he could show some reasonable ground for his omission to carry the order into effect, he became liable to a penalty not exceeding 20s. Section 31 of the Act also removed the difficulty referred to above, which arose after the decision in *Pilcher v. Stafford*. In the subsequent case of *Allen v. Worthy*, L. R. 5 Q. B. 163; 39 L. J. M. C. 36; 21 L. T. (N.S.) 665, it was held by the Court of Queen's Bench that under the Act of 1867 a parent might be convicted and fined again and again so long as he remained in default. The alteration of the law in this respect effected by the Vaccination Act, 1898, is dealt with later on.

The Act of 1867 forbade any attempt to produce smallpox by inoculation, specified the mode in which proceedings were to be taken, enabled the guardians to pay the reasonable costs of prosecutions undertaken by them or their officers, and directed that all such expenses should be charged to the common fund of the union.

The Vaccination Act of 1867 had not been long in operation before opposition to its provisions was raised, and Parliament was petitioned to repeal it.

In the Session of 1871 a Select Committee was appointed to inquire into its operation, and the Committee reported to the effect that, after a careful consideration of the evidence taken by them, they agreed with the general opinion,—

That the cowpox affords, if not an absolute, yet a

very great protection against an attack of smallpox, and an almost absolute protection against death from that disease; and that it is the duty of the State to endeavour to secure the careful vaccination of the whole population. The Committee were of opinion, however, that, whenever in any case two penalties or one full penalty had been imposed upon a parent for not allowing his child to be vaccinated, the magistrate should not impose any further penalty in respect of the same child.

The Committee recommended that the appointment of an officer to promote vaccination, and to prosecute persons offending against the Act, should be made obligatory on the guardians. They were also of opinion that the registration of vaccination should be simplified, that the vaccination officer should keep the vaccination register, and that the certificates under the Act should be sent to him; also that the registrar of the district should forward to him a monthly return of births, and of the infants that have died.

With a view to carry out the recommendations of the Committee, a Bill, embodying their suggestions, was passed by the House of Commons; but in the House of Lords a clause proposing to relieve recalcitrants from further penalties after the payment of 20s. in fines was struck out.

When the Bill, as amended, came before the House of Commons, Mr. W. E. Forster, who had charge of it, expressed his desire to retain the clause, but as it was late in the session, and disagreement between the Houses would probably involve the loss of the Bill, he moved that the amendment be accepted, and this was accordingly done. In this way the Vaccination Act, 1871, became law.

Much difficulty has been experienced by the administrators of the vaccination laws in determining how far it is desirable to repeat proceedings against defaulters. On the one hand, it was felt that the intention of the Acts would be defeated if, by the payment of a fine of 20s., a person could purchase exemption from vaccination; and on the other, it was desired not to deal harshly with persons who really held conscientious objection to the vaccination of their children. With a view to assist boards of guardians in the matter the Local Government Board published a letter which, in 1875, they addressed to the guardians of the Evesham Union. That letter advised that guardians should carefully consider with regard to each individual case the effect which a continuance of proceedings was likely to have in procuring the vaccination of the individual child, and in ensuring the observance of the law in the union generally.

The Vaccination Act, 1871, came into operation on the 1st January, 1872.

By section 5 the guardians of every union and parish were required to appoint and pay one or more vaccination officers, and to divide the union into districts for the purpose of the duties of such officer, so that the district of one vaccination officer should coincide either with a vaccination district or with a district or districts of a registrar of births and deaths.

The same section empowered the Local Government Board to make rules, orders, and regulations for carrying out the provisions of the Acts.

The vaccination officer was required, by section 6, to perform all the duties imposed by the Vaccination Act, 1867, on the registrar of births and deaths, except the duty of giving to parents the notices of requirement of vaccination.

Persons wilfully signing a false certificate, or duplicate, are guilty of a misdemeanor, and liable to a fine and imprisonment, with or without hard labour, for a period not exceeding two years.

Under section 8 the registrar of births and deaths must transmit, once a month, to the vaccination officer of his district, a list of all births and of all deaths of infants under twelve months of age. Section 27 of the Vaccination Act, 1867, which required a return to be made to the guardians of cases in which certificates of successful vaccination had not been transmitted to the registrar, was repealed.

Where any person had been re-vaccinated by a public vaccinator, and failed to attend for the purpose of inspection, or refused to permit the vaccinator to ascertain the result of the vaccination, he was required, under section 9, to pay for such re-vaccination a fee of *2s. 6d.* to the guardians of the union or parish in which such public vaccinator acted.

A penalty of *20s.* was provided for persons who prevented a public vaccinator from taking lymph from any child whom he had vaccinated.

Section 11 amended the legal proceedings for penalties under section 31 of the Vaccination Act, 1867, and enabled such proceedings to be taken with respect to any child not within the union or parish for which a vaccination officer acted, if either the child or its parent was within the union or parish at the time the information was given; and if the parent failed to produce the child when required he was made liable to a penalty not exceeding *20s.*

Complaint may be made or information laid for an offence under either Act, at any time within twelve months from the time when the complaint or information

arose. This applies also to the metropolis, notwithstanding the provision in the Police Act, 1839, which limits proceedings to six months.

In any proceedings under the Vaccination Acts, 1867 and 1871, the defendant may appear by any member of his family, or any other person authorized by him.

Section 12 of the Vaccination Act, 1871, enabled a public vaccinator to give, on the request of the parent, a certificate of successful vaccination, in respect of any child whom he had examined and found successfully vaccinated, although he had not himself performed the operation.

It was provided in section 13 that a poor law medical officer, when in attendance upon a person suffering from smallpox, might vaccinate or re-vaccinate any person resident in the same house with the patient.

By sections 14 and 15, the powers of the Local Government Board were extended; and by section 16 the Local Government Board was substituted for the Poor Law Board and Lords of Her Majesty's Privy Council in the administration of the Vaccination Acts.

Notwithstanding the provisions of section 5 of the Vaccination Act, 1871, doubts arose as to what extent the Local Government Board were empowered to make rules, orders, and regulations with respect to the proceedings to be taken by guardians or their officers for enforcing the provisions of the Vaccination Acts, 1867 and 1871. To remove this doubt a short Act was passed in 1874 definitely conferring the necessary powers. On October 31, 1874, pursuant to those powers, the Local Government Board issued an order regulating the appointment of vaccination officers by boards of guardians, the tenure of office, and the duties and remuneration of such officers, the institution and conduct of the proceed-

ings to be taken for enforcing the provisions of the Acts, and the payment of the costs and expenses relating thereto. One of the most important sections of that order was Article 16, which provided as follows:—"The guardians shall, in all cases in which the provisions of the Vaccination Acts for enforcing vaccination have been neglected, cause proceedings to be taken against the persons in default, and for this purpose shall give directions authorizing the vaccination officer to institute and conduct such proceedings; but no such directions shall authorize the vaccination officer to take further proceedings under section 31 of the Vaccination Act of 1867 in any case in which an order has already been obtained and summary proceedings taken under that section, until he shall have brought the circumstances of the case under the notice of the guardians and received their special directions thereon."

In a few instances boards of guardians objected to obey the requirements of Article 16, and in the case of the Keighley Guardians the Local Government Board applied for and obtained a *mandamus* requiring them to give the directions specified in that Article. It has been held that a sanitary authority has no title to a *mandamus* to compel the guardians of the poor law union in which the sanitary district is situated to take effective measures to enforce vaccination. (*Lewisham District Board of Works v. Lewisham Guardians.*)

In an order dated 28th February, 1887, fresh instructions were issued to public vaccinators, designed both to secure the performance of good vaccination and to indicate the precautions necessary to bring the operation to a safe conclusion.

On 3rd February, 1888, another order was issued altering the age limits at which re-vaccination could be

performed at the public expense. Prior to that date the age for such re-vaccination was fifteen in ordinary circumstances, and twelve when there was danger of smallpox. The order reduced the limits to twelve and ten years respectively.

No further change took place until 1889. Meanwhile vaccination had been enforced with a fair amount of stringency. In the year 1872, the first year for which complete returns were made after the passing of the Act of 1871, the number of children in England and Wales whose vaccination was not finally accounted for, amounted to 5·1 per cent. of the total number of births, and the same percentage was unaccounted for in 1883, after which the cases not finally accounted for gradually became higher. In 1884 the percentage was 5·5; in 1885, 5·8; in 1886, 6·4; and in 1887, 7·1. As time went on, the opposition to vaccination became stronger, and the difficulty of administering the Vaccination Acts increased. The opponents of compulsory vaccination, though comparatively few in number, were very energetic; they spared no pains to persuade others that vaccination was a useless operation, and they fortified their arguments by appeals to the sentiments of parents, who are naturally averse to whatever may cause pain to their children. Numerous branches of the Anti-Vaccination League were established in various parts of the country, and resistance to the law was carefully organized.

In this state of affairs Mr. C. T. Ritchie, who was then President of the Local Government Board, considered that the whole matter should be further investigated, and accordingly, on the 29th May, 1889, a Royal Commission was appointed for that purpose.

The original Commissioners were Lord Herschell, Sir

James Paget, Sir C. Dalrymple, Sir Guyer Hunter, Sir E. H. Galsworthy, Sir William Savory, Drs. Bristowe and Collins, and Messrs. C. Bradlaugh, J. S. Dugdale, Q.C., Michael Foster, J. Hutchinson, J. A. Picton, S. Whitbread, and F. Meadows White, Q.C.

At the death of Mr. Bradlaugh, Mr. J. A. Bright was added to the Commissioners.

The following were the terms of the reference :—To inquire, and report as to—

- (1.) The effect of vaccination in reducing the prevalence of, and mortality from, smallpox.
- (2.) What means, other than vaccination, can be used for diminishing the prevalence of smallpox ; and how far such means could be relied on in place of vaccination.
- (3.) The objections made to vaccination on the ground of injurious effects alleged to result therefrom ; and the nature and extent of any injurious effects which do, in fact, so result.
- (4.) Whether any, and, if so, what means should be adopted for preventing or lessening the ill effects, if any, resulting from vaccination ; and whether, and, if so, by what means, vaccination with animal vaccine should be further facilitated as a part of public vaccination.
- (5.) Whether any alterations should be made in the arrangements and proceedings for securing the performance of vaccination, and, in particular, in the provisions of the Vaccination Acts with respect to prosecutions for non-compliance with the law.

In the fifth edition of this Manual the editor collected

a number of facts which tended to show that vaccination had materially diminished the death rate from small-pox ; that in order to afford adequate protection it was essential that the operation should be well performed ; that for the same object it was desirable to promote the performance of re-vaccination ; that the effect of improved sanitation in reducing the death rate from small-pox was extremely small ; that the liability of vaccination to cause disease was so very trifling that it afforded no ground for refusing to submit to the operation ; and that the slight risk that existed might be avoided by performing the operation with calf lymph.

These conclusions were stated in 1887, and their accuracy was abundantly proved by the report of the Royal Commission. It has not been thought necessary to reproduce the facts on which those conclusions were based, because the investigations of the Commission have resulted in the collection of a vast number of additional and more recent facts bearing on the subject. To attempt to give even an epitome of these in the short space which is available in the present work would be out of the question. It seems desirable, however, to state briefly the principal conclusions at which the majority arrived upon the evidence before them, and the editor has therefore extracted these from the Final Report of the Commissioners.

It has been the duty of a vaccination officer in the past to enforce the provisions of the law. At present it devolves upon him to persuade rather than to compel parents to avail themselves of the protection afforded by vaccination. If he is to use his persuasive powers to the best effect, he must be acquainted with the principal advantages which the practice of vaccination affords ; and it is to assist him and others who

are engaged in like work that the opinions of the majority of the Royal Commission are here set out. An acquaintance with the results of the inquiry should not only equip the vaccination officer for his daily task, but it should prove profitable to the cause of vaccination, for that cause will in future materially depend upon the knowledge as well as the industry with which it is promoted.

The inquiry of the Commissioners was a very prolonged one. They held 136 meetings for the examination of witnesses, and 187 witnesses were examined. In addition, they caused inquiry to be made by competent persons in a large number of cases of alleged injury from vaccination, and they also caused to be made a series of complete and systematic investigations into the circumstances of local epidemics of smallpox in the Dewsbury Union in 1891-92 ; in London, in Warrington, and in Leicester in 1892-93 ; and in Gloucester in 1895-96. They also instituted inquiries into the extent and character of various smallpox outbreaks in several other localities.

The results of their investigation are set forth in a considerable number of bulky Blue Books, while the conclusions and the reasoning upon which these were founded are embodied in the Final Report, which was made in August, 1896. It was not a unanimous report. Two members of the Commission—Dr. Collins and Mr. Picton—presented a separate report. Two others—Mr. Whitbread and Mr. J. A. Bright—signed the majority report, but at the same time objected to any form of compulsory vaccination ; whilst two—Sir W. G. Hunter and Mr. Jonathan Hutchinson—objected to the relaxation of the law to which the majority assented, and they also expressed an opinion

in favour of compulsory re-vaccination at the age of twelve.

The main report, however, was that signed by Lord Herschell, Sir James Paget, Sir C. Dalrymple, Sir E. Galsworthy, and Messrs. Dugdale, Foster, Meadows White, and, subject to comments as above, Sir W. G. Hunter and Messrs. Hutchinson, Whitbread, and Bright. Three signatures are wanting: those of Sir William Savory, Dr. Bristowe, and Mr. Bradlaugh—all of whom died during the inquiry.

The first question which the Commissioners were required to answer was—*As to the effect of vaccination in reducing the prevalence of, and mortality from, smallpox.*

The answer of the majority was as follows (*Report para. 377*):—(a)

1. That it diminishes the liability to be attacked by the disease.
2. That it modifies the character of the disease, and renders it (a) less fatal, and (b) of a milder or less severe type.
3. That the protection it affords against attacks of the disease is greatest during the years immediately succeeding the operation of vaccination. It is impossible to fix with precision the length of this period of highest protection. Though not in all cases the same, if a period is to be fixed, it might, we think, fairly be said to cover in general a period of nine or ten years.
4. That after the lapse of the period of highest protective potency, the efficacy of vaccination to protect against attack rapidly diminishes, but that it is still considerable in the next quinquennium, and possibly never altogether ceases.
5. That its power to modify the character of the disease is also greatest in the period in which its power to protect from attack is greatest, but that its power thus to modify the disease does not diminish as rapidly as its

(a) Paragraphs 1—5 of course apply only to primary infantile vaccinations.

protective influence against attacks, and its efficacy during the later periods of life to modify the disease is still very considerable.

6. That re-vaccination restores the protection which lapse of time has diminished, but the evidence shows that this protection again diminishes, and that, to ensure the highest degree of protection which vaccination can give, the operation should be at intervals repeated.
7. That the beneficial effects of vaccination are most experienced by those in whose case it has been most thorough. We think it may fairly be concluded that where the vaccinc matter is inserted in three or four places, it is more effectual than when introduced into one or two places only—and that if the vaccination marks are of an area of half a square inch, they indicate a better state of protection than if their area be at all considerably below this.

The second question on which the Royal Commission were requested to report was—*What means, other than vaccination, can be used for diminishing the prevalence of smallpox; and how far such means can be relied on in place of vaccination?*

We have no difficulty, say the majority, in answering the question, what means other than vaccination can be used for diminishing the prevalence of smallpox?—We think that a complete system of notification of the disease, accompanied by an immediate hospital isolation of the persons attacked, together with a careful supervision, or, if possible, isolation for sixteen days of those who had been in immediate contact with them, could not but be of very high value in diminishing the prevalence of smallpox. It would be necessary, however, to bear constantly in mind as two conditions of success, first, that no considerable number of smallpox patients should ever be kept together in a hospital situate in a populous neighbourhood, and secondly, that the ambulance arrangement should be organised with scrupulous care. If these conditions were not fulfilled, the effect might be to neutralise or even do more than counteract the benefits otherwise flowing from a scheme of isolation. (499)

When we turn to the other branch of the inquiry, how far such means could be relied on in the place of vaccination, we find ourselves involved in questions of a much more complicated nature. We have little or no experience to fall back upon. The experiment has never been tried. The nearest approach to a trial of it has probably been in Australia. But even in the parts of that country to which we have alluded the population has not been entirely unvaccinated, though there has been a large unvaccinated class amongst it. Moreover, in applying the experience of Australia to this country two things must be borne in mind. In the first place smallpox has only appeared from time to time, introduced from without at one or other of the ports of the country, and the several colonies of which Australia is composed are of great territorial extent, with few large centres of population. In this country smallpox is always present in some part of it. There has not been a single year without several deaths from the disease. Large centres of population are numerous, and the intercourse between them constant. In the several colonies of Australia the number of ports is not great, the vessels which enter them are comparatively speaking not numerous, and the ports from which they arrive are many days' voyage distant; and there are careful arrangements for quarantining vessels to exclude disease. The shipping which enters English ports is of vast quantity, and passengers are brought in large numbers from the continent of Europe not only daily, but it may almost be said hourly; the voyage, too, is but brief. The other matter to be remembered is that part of the Australian system is the *compulsory* removal to quarantine for twenty-one days of those who have been in the house with the patient, in addition to the transfer of the patient himself to a hospital. There can be no doubt that such a system, if completely carried out, would be of the highest efficacy. But it is obvious that in this country the practical difficulties of working such a scheme in the large towns would be really insuperable, to say nothing of the difficulty of procuring legislative sanction for it. (500)

In order to maintain in efficiency the primary essential condition of a system of isolation, viz. the immediate isolation of a person attacked by the disease, it is requisite to have a hospital always ready with sufficient accommodation for the reception of all such cases, and there are no means of estimating what extent of accommodation will suffice to meet at all times

the necessities of a particular town. It is certain that the disease spreads more rapidly, its contagion seems to operate more actively, at one time than at another. If an epidemic affects a locality, the preparations made for the isolation of smallpox cases, which have proved to be fully adequate in ordinary years, may turn out to be quite inadequate. It is impossible at once to provide the needed hospital accommodation. If the cases are to be removed to a hospital at all, the massing of large numbers together, in itself a means of spreading the disease, might prove inevitable. We have only to look at what happened at Leicester to see how suddenly the necessities of the case may outrun the preparations made for isolation. Moreover, although the vaccination of children had been neglected in Leicester for many years, it would be quite a mistake to regard it as an unvaccinated town. The population over twenty years of age were probably well vaccinated, and a large proportion of those between ten and twenty years of age were vaccinated persons. More than half even of those between seven and ten years of age at the commencement of the epidemic must be placed in the same category. (501)

We can see nothing to warrant the conclusion that in this country vaccination might safely be abandoned, and replaced by a system of isolation. If such a change were made in our method of dealing with smallpox, and that which had been substituted for vaccination proved ineffectual to prevent the spread of the disease (it is not suggested that it could diminish its severity in those attacked), it is impossible to contemplate the consequences without dismay. (503)

Power should, in our opinion, be conferred on sanitary authorities to give compensation for loss of wages, and generally for any expenses occasioned either by the isolation of patients, or persons who have come in contact with them, or such supervision of them as is necessary, whether in hospital or elsewhere. (506)

Our attention has been drawn to the circumstance that outbreaks of smallpox have not unfrequently had their origin in the introduction of the disease to common lodging-houses by tramps wandering from place to place. In view of this we make the following recommendations:—

- (i.) That common shelters which are not now subject to the law relating to common lodging-houses should be made subject to such law.

- (ii.) That there should be power to the local authority to require medical examination of all persons entering common lodging-houses and casual wards to see if they are suffering from smallpox, and to offer a reward for prompt information of the presence of the disease.
- (iii.) That the local authority should have power to order the keeper of a common lodging-house in which there has been smallpox to refuse fresh admissions for such time as may be required by the authority.
- (iv.) That the local authority should be empowered to require the temporary closing of any common lodging-house in which smallpox has occurred.
- (v.) That the local authority should have power to offer free lodgings to any inmate of a common lodging-house or casual ward who may reasonably be suspected of being liable to convey smallpox.
- (vi.) That the sanitary authority should give notice to all adjoining sanitary authorities of the occurrence of smallpox in common lodging-houses or casual wards.
- (vii.) That where the disease occurs the public vaccinator or the medical officer of health should attend and vaccinate the inmates of such lodging-houses or wards, except such as should be unwilling to submit themselves to the operation. (507)

In connection with the subject with which we have been dealing, we may advert to the suggestion that the vaccination and the sanitary authority should in all cases be identical. . . . Indeed, the advantage of placing in the same hands the supervision of vaccination and of the other measures designed to prevent the spread of disease are so great and so obvious that the proposal to do so deserves most serious consideration. Under present arrangements, however, such a proposal raises very great difficulties. Whilst in England and Wales there are only 648 vaccination authorities, the sanitary authorities exceed 1,700 in number. . . . Many instances might be cited to show that it would be impracticable to vest the sanitary and vaccination duties in all cases in a single local authority without a complete recasting of our present areas of local administration. We are not in a position to devise a scheme which would accomplish either wholly or partially the desired result. At the same time we fully recognize the importance of achieving it as far as possible, and we should regard with favour

such changes as would render the amalgamation of the vaccination and sanitary authorities feasible, or indeed any steps taken in that direction, even although they should only partially effect the object in view. (508)

The third question was—*As to the objections made to vaccination on the ground of injurious effects alleged to result therefrom, and the nature and extent of any injurious effects which do, in fact, so result.*

In the first instance the majority of the Commissioners considered the evidence afforded by infant mortality.

Vaccination is, in the vast majority of cases, coincident in point of time with infancy. "If, then, it is the parent of other diseases, and has substantially augmented the number of deaths due to them, we should expect to see some effect produced on infant mortality as a whole; yet it is clear that the mortality of infants in the first year of life, as measured by the proportion of their deaths to births, has not increased at all during the times when infant vaccination has been increasing." (385)

Coming, now, to the allegations that the increase of mortality from certain diseases is coincident with the increase of vaccination, they first treat of syphilis; and taking the Registrar-General's figures for 1863—1867 and 1883—1887, they examine the deaths from that disease under one year of age in Leicester, on the one hand, and England and Wales on the other—

If vaccination were, to any serious extent, a cause of syphilis we should have expected to see some evidence of it in these comparative records of the mortality of infants under one year of age. Yet we find that whereas in England and Wales there was as between the former period and the latter an increase in the infant mortality from syphilis in England

and Wales of 24·7 per cent. only, the increase between the same periods in Leicester was no less than 69·3 per cent. This does not, of course, imply any connection between the disuse of vaccination and the increase of infantile syphilis. It does, however, conclusively rebut the argument of those who seek to connect the increase of mortality from syphilis with the practice of vaccination. . . . Even if it can be shown that in some instances syphilis has been inoculated by vaccination, the conclusion would still remain that this cannot have been so to any substantial extent. (390)

In regard to *cancer* the report says—

It may be that, in addition to the apparent increase, there has been some real increase in the mortality from cancer, but there is not a shadow of evidence to connect this with the practice of vaccination, whilst there is . . . evidence pointing the other way. (391)

Erysipelas is next dealt with.

It may well be, they say, that in some cases vaccinated children have suffered fatally from erysipelas who, but for the operation of vaccination, would not have been attacked by the disease. This is a point we shall have to consider presently. But the evidence is, in our opinion, conclusive to show that there has not been during the last forty years any material increase of deaths from erysipelas owing to vaccination. (395)

With regard to *tabes mesenterica* and *scrofula*, the report fails to find any facts to warrant the assertion that the increased mortality from these diseases, or any part of it, was due to vaccination. (396)

With regard to *pyæmia*, *bronchitis*, *diarrhœa*, and *skin diseases*, which are all said to have increased owing to the mischievous influence of vaccination, the Commissioners “confidently say that there is no evidence to justify the statement.” (397)

Upon the whole, then, say the majority, we think that the evidence is overwhelming to show that, in the case of some of the diseases referred to, vaccination cannot have produced

any effect upon the mortality from them, and that it has not, in the case of any one of them, increased the mortality to a substantial, we might even say an appreciable, extent. (398)

The allegation that personal injury or death has resulted from vaccination is next dealt with.

From all sources 421 cases in which death or non-fatal injury has been alleged or suggested to have been connected with vaccination have been brought to our notice from 1st June, 1889, to 1st July, 1896. These 421 cases, however, include nineteen groups of connected cases, each of which has only been counted as one in arriving at that number. The individual cases included in these groups amount to about 150. Some of these 421 cases were investigated and made the subject of reports by medical inspectors of the Local Government Board. We received reports with reference to a large number of them from medical men appointed by ourselves. In a few cases the nature of the allegation or suggestion rendered it unnecessary in our opinion to make any inquiry into the case. In a considerable number we sought for further information, and after we had considered the further facts thus acquired, there appeared to be no necessity for an investigation by the medical men who assisted us by personally inquiring into cases of alleged injury from vaccination. (406)

We have not any means of ascertaining in what number of cases some other disease has supervened on vaccination as a consequence of it, without producing a fatal result. We are able, however, to form some judgment upon this point by observing the number of non-fatal cases to which our attention has been called. We do not mean to suggest that we have been informed of all cases of this nature which have occurred during the last six years. There have very likely been many cases which have not come to our knowledge, where the inflammation set up has been more than usual, and some where a slight attack of erysipelas has resulted. But when we consider that the fact that we were engaged upon this inquiry has been thoroughly well known, and that active organizations and zealous individuals were at work, searching out cases in which the results of vaccination had been abnormal, with a view to bring them under our notice, and that some of those which we were asked to

investigate turned out to be of a trifling or unsubstantial nature, we think we are able to form a fairly accurate estimate of the amount of injury which can be plausibly attributed to vaccination. A consideration of all the circumstances has led us to the conclusion that, as regards the non-fatal cases with which we are now dealing, serious injury cannot have resulted in any considerable number of cases. (407)

An examination of the analysis of the fatal maladies connected with vaccination during the period 1886—1891, made by Dr. Ogle, shows that erysipelas is credited with almost one-half of the total number of deaths. To these a considerable number is to be added, where inflamed arms occurred, but in which the disease did not receive the name of erysipelas, though it was probably allied to it. Next in number comes the class which includes pyæmia, septicæmia, and blood-poisoning. If this class be added to cases of erysipelas and maladies allied to it, they account altogether for two-thirds of the cases in which the cause of death has been connected with vaccination. An examination of the particulars of the cases of alleged deaths and injury from vaccination, to which our attention has been called during the last six years, shows that the death or injury has been attributed in the great majority of cases to one or other of these diseases, and chiefly to erysipelas. (408)

It must not be forgotten that the introduction into the system of even a mild virus, however carefully performed, is necessarily attended by the production of local inflammation and of febrile illness. If these results did not in some measure follow, the practice would probably fail in its protective influence. As a rule, the inflammation and illness are of a trifling character; in exceptional cases, however, they may exhibit more severity, and, as certain facts submitted to us in evidence have shown, there are cases, though these are rare, where a general eruption may follow vaccination. (409)

. . . . It is not always easy to determine whether vaccination has been the cause of, or has contributed to, subsequent erysipelas or blood poisoning. Erysipelas is a common disease in infancy, and not unfrequently leads to death. The evidence of Dr. Ogle shows that nearly two thousand per million die of erysipelas during the first three months of life, and that the mortality rapidly declines as the age

advances. Quite apart, then, from vaccination, there is nothing remarkable in the occurrence of erysipelas in the case of an infant. The disease is obviously contracted, in the majority of cases, from some other source. Where a child has been in good health prior to vaccination, and is seized with any malady after it, it is not unnatural that the two occurrences should be connected together as cause and effect by those who have not a wide experience of the liability to be attacked by the disease independently of vaccination. It is a common fault too readily to connect together, as cause and effect, occurrences which follow one another in point of time. (411)

In many of the cases which we have had to investigate, where vaccination has been followed by erysipelas, the disease has been present in the immediate vicinity, it cannot therefore be asserted with certainty that in such cases the child would have escaped erysipelas if it had not been vaccinated. Erysipelas may be acquired without any lesion. We do not intend to represent that the wound made in vaccination may not cause an attack of erysipelas, where if there were no lesion there would be no such attack, but only to suggest that caution is necessary, and that it would be an error to refer all cases of erysipelas, or allied diseases, occurring after vaccination to that operation as their cause.

There can be no doubt that even very slight wounds may lead to erysipelas. It has been induced by scratches from pins, abrasions from the dress and other injuries, in themselves most trivial. (412)

Nothing has produced so deep an impression hostile to vaccination as the apprehension that syphilis may be communicated by it. It was at one time doubted whether syphilis could result, and it was even confidently asserted that it could not. The fact that this was possible had been fully established, and was generally acknowledged by the medical profession before we commenced our inquiries. Our work has therefore chiefly been to ascertain the extent and character of the risk and the means of its prevention. As a general summary of the evidence on this matter, it may be stated that nothing in the least novel has been elicited, and that no hint has been given of the occurrence of any recent *series* of vaccination-syphilis cases in British practice. (420)

Among the 279 deaths referred to vaccination as a cause during the period 1886—1891, five were attributed to syphilis. Except in cases where an inquest was held, these records are based simply on the certificate given by the medical attendant who certified the cause of death, but who had not necessarily attended the patient during the course of the illness which terminated fatally. Practically all the deaths referred to vaccination as a cause during the years 1889, 1890, and 1891, and some of those so referred during the last two months of the year 1888, have been investigated and reported upon by Medical Inspectors of the Local Government Board. It appears that all the five cases attributed to syphilis after vaccination, during the longer period 1886—1891, were among the cases so reported upon. We have studied these reports and we are satisfied that in none of the five cases is there sufficient evidence to show that the death resulted from syphilis caused by vaccination. One of them was the Leeds case (a) As regards the others, with perhaps one exception, there is abundant reason for believing that they were not cases of syphilis at all.

But besides these five deaths, there were amongst those alleged or suggested to have been connected with vaccination, which were investigated and reported upon by Medical Inspectors of the Local Government Board, eight cases in which in the course of the investigation some suspicion of syphilis was raised in connection with the illness which terminated fatally. In none of these eight cases, however, is there evidence of any value to show that syphilis was communicated by vaccination. (425)

Two or three other isolated cases have been brought to our notice which witnesses believed to be examples of this occurrence, but in none of them were the facts such as in our opinion to justify us in concluding with any degree of confidence that the belief expressed had been sustained. On the other hand, a large amount of negative evidence has been offered. Witnesses who had been engaged through long series of years in the very extensive practice of vaccination, bore testimony to their never in their own sphere of observation

(a) As to the "Leeds case" the report states as follows:—"We have carefully investigated this case, and notwithstanding the opinion formed by the witnesses, there appears good reason to doubt whether it was one of syphilis."

having witnessed or heard of any case in which the suspicion of vaccination-syphilis had occurred.

At the same time it is not to be forgotten that a natural reluctance to register deaths as due to syphilis may have prevented some cases where recently vaccinated persons have died from that disease from being made public. (426)

It is of much importance to note that out of an experience of 30,000 children, at the Ormond Street Hospital for Children, an institution beyond all others likely to attract cases of this kind, there was only one instance, and that was a doubtful one. (428)

Turning now to the *non-fatal* cases investigated by medical men on our behalf, we have had brought to our knowledge with a view to such investigation twenty-six non-fatal cases where syphilis was alleged to have been, or as to some few of the cases *possibly* to have been, communicated by vaccination. One of these twenty-six cases could not be traced by the medical men whom we asked to investigate it. It had been reported to us, with twenty-one of the other twenty-five cases, by a gentleman whose only information as to the case, obtained from a relative of the child's, was that "the child had a frightful arm, and broke out badly everywhere, and was a very long time of getting better." The remaining twenty-five cases were, however, carefully investigated on our behalf, some by Dr. Barlow, some by Dr. Acland, and fifteen of them by those gentlemen jointly. In twenty-four of the twenty-five there is no evidence that syphilis was communicated by vaccination; indeed, none of the twenty-four were cases of syphilis at all. In the remaining case it appears that there was some ground for the allegation, though it is by no means proved that syphilis was communicated by vaccination, or even that the case was one of syphilis at all. The case brought to our notice in 1892 was that of a boy born in 1880 and vaccinated in the following year. When examined on our behalf in September, 1892, he presented no unmistakable signs of having suffered from syphilis, either inoculated or inherited. The length of time which had elapsed, and the absence of any record, made it impossible to trace the source of lymph. The history of the boy's illness is extremely uncertain, but upon the whole, if it can be relied upon at all, it tends to render some support to the view that syphilis was communicated by vaccination or by contamination of the vaccination wounds.

Besides the non-fatal cases to which we have just referred, there were amongst those investigated by medical men on our behalf, in which non-fatal injury had been alleged or suggested to have been caused by vaccination, thirteen cases in which in the course of the investigation some suspicion of syphilis was raised in connection with the illness which followed vaccination. In none of these thirteen cases, however, is there evidence of any value to show that syphilis was communicated by vaccination; one was a case of inherited syphilis, and the other twelve were not cases of syphilis at all. (429)

The evidence offered to us would lead to the belief that whilst with ordinary care the risk of communication of syphilis in the practice of arm-to-arm vaccination can for the most part be avoided, no degree of caution can confer an absolute security. (430)

As regards the possible effect of vaccination in increasing the prevalence of leprosy, no affirmative evidence has been brought before the Commission which in their opinion establishes that this effect has resulted from the practice. On the other hand, much of a strongly negative character has been produced. . . . The supposed risk of conveying leprosy in vaccination may be wholly got rid of by using English lymph or that from the calf. (431)

It is obvious that the employment of calf-lymph only would wholly exclude the risks as regards both syphilis and leprosy. Respecting the latter disease, however, there appears to be reason to doubt whether any risk exists, and at any rate it does not concern the British population. . . . The risk of syphilis, although real, is an exceedingly small one, even when humanized lymph is employed, and may probably be wholly avoided by care in the selection of the vaccinifer. (433)

A careful examination of the facts which have been brought under our notice has enabled us to arrive at the conclusion that, although some of the dangers said to attend vaccination are undoubtedly real and not inconsiderable in gross amount, yet when considered in relation to the extent of vaccination work done they are insignificant. There is reason further to believe that they are diminishing under the better precautions of the present day, and with the addition of the further precautions which experience suggests will do so still more in the future. (434)

The fourth question investigated is—*Whether any, and, if so, what means should be adopted for preventing or lessening the ill effects, if any, resulting from vaccination? and whether, and, if so, by what means, vaccination with animal vaccine should be further facilitated as a part of public vaccination?*

In reply to this question the majority recommend—

1. The use of calf lymph, because “this would afford an absolute security against the communication of syphilis.” (437)

2. That the age period for vaccination should be extended to six months from the date of birth. (438)

3. That any abrasion of the vaccination vesicles by clothing of a nature likely to irritate them should be avoided, and foreign substances should not be rubbed into the wounds under circumstances calculated to set up inflammation. It is most important, too, that any rags or other materials applied to the place of vaccination should be scrupulously clean. (442)

4. Children should be vaccinated and inspected, as a rule, at their own homes. (443).

5. Vaccination ought to be postponed when erysipelas, scarlet fever, measles, or chicken-pox are prevalent in the neighbourhood of the child’s residence, or, if the child is not to be vaccinated at home, either there or near the place of vaccination. It should also be postponed if the surroundings or any other conditions render the operation at the time undesirable. (445-6)

6. Vaccination vesicles should not be opened unless for some adequate reason. (447)

7. Lymph used should be preserved in tubes instead of on dry points. Each tube should contain only sufficient lymph for the vaccination of one person. (448)

8. No instrument should be used for the operation which has not been boiled or otherwise sterilised for the purpose. (449)

9. The insertions of lymph in the child’s arm should not be placed too close together. (449)

10. In case of illness supervening on vaccination by the public vaccinator, it should be made the duty of the public vaccinator to render medical attendance if required to do so

by the parent, and he should receive a fee in respect thereof. (450)

The last question referred to the Commission was—
Whether any alterations should be made in the arrangements and proceedings for securing the performance of vaccination, and, in particular, in the provisions of the Vaccination Acts with respect to prosecutions for non-compliance with the law?

The majority report their opinion—

1. That it would conduce to increased vaccination if a scheme could be devised which would preclude the attempt, so often a vain one, to compel those who are honestly opposed to the practice to submit their children to vaccination, and, at the same time, leave the law to operate, as at present, to prevent children remaining unvaccinated owing to the neglect or indifference of the parent. . . . The scheme should be such as would prevent an objection to the practice being alleged merely as an excuse to save the trouble connected with the vaccination of the child. (524-5)

2. The change should be temporary in the first instance. A period of five years is suggested, the effects being carefully watched. (527)

3. When a certificate of successful vaccination is not received within the prescribed time, a notice should be served on the parent that a public vaccinator will attend on a day named for the purpose of vaccinating the child, unless the operation has been already performed. (529)

4. Every duly qualified medical man who vaccinates a child successfully should be entitled to the fee which is now paid only to the public vaccinator.

5. The State should place a supply of calf-lymph within the reach of every vaccinator. (532)

6. Re-vaccination should be encouraged. (533)

7. Notification of smallpox should be made compulsory, and when the sanitary authority receives such notification, it should be communicated to the vaccination authority. When smallpox is prevalent, notice should be served by the sanitary authority on persons in the neighbourhood advising vaccination or re-vaccination, and warning of the dangers of contact with infected articles and persons. (534)

8. Persons committed to prison for non-payment of penalties imposed under the vaccination laws should not be treated as criminals. (535)

(As to this, see also the 5th Report, published separately.)

One of the earliest results of the report of the Commission was the increase of calf lymph vaccination, and this was officially recognised by the Local Government Board, who, on 7th February, 1897, issued new instructions to public vaccinators, under which the use of calf lymph was formally assented to in the general work of public vaccination. That Board also assented to the payment, by boards of guardians, of special fees to enable public vaccinators to procure calf lymph. At the same time, the Board directed their medical officer (Sir R. Thorne, F.R.S.), and Dr. Monckton Copeman, one of their medical inspectors, to visit various Continental cities with the view of obtaining information as to the methods adopted by the respective authorities and others concerned in the distribution of calf lymph, more especially in reference to the preparation, storage, and distribution of glycerinated calf lymph.

These gentlemen visited Paris, Brussels, Berlin, Dresden, Cologne, and Geneva, and the results of their inquiries are embodied in a report made by them in July, 1897. (See the Supplement to the 26th Annual Report of the Local Government Board, p. 39.) It is not necessary here to do more than indicate briefly the conclusions arrived at. In all the places visited except Paris, where calf to arm vaccination was still practised, it was found that glycerinated calf lymph had been adopted for official, and, in some cases, for all purposes. In Germany the use of this particular preparation of lymph had become general throughout the empire. It is an interesting fact that Dr. Copeman, who was thus

assisting Sir R. Thorne in acquiring information as to the employment of glycerinated calf lymph on the Continent of Europe, was himself the original discoverer of the destructive effect of glycerine on undesirable microbes associated with vaccine lymph. At the International Congress of Hygiene, held in London in 1891, he announced the results of some experiments made by him to ascertain the effect of storing vaccine lymph in glycerine, and under the Vaccination Act, 1898, it is now being employed by all public vaccinators throughout England and Wales.

On the 15th March, 1898, Mr. Chaplin, President of the Local Government Board, introduced a Bill into the House of Commons for amending the law relating to vaccination. The most important features of that Bill were the proposals to substitute glycerinated calf lymph for humanised lymph, and to limit the proceedings that might be taken against persons in default under the Acts. The second reading was moved on the 19th April, 1898, and carried, after a prolonged discussion, on the 12th May. It was then referred to the Grand Committee on law, and whilst before that Committee an attempt to insert a conscientious exemption clause was rejected by 26 to 24. On the 19th July, when the Bill came before the House as amended by the Committee, Sir W. Foster, M.D., moved to insert a clause of that kind. The amendment was at first resisted by the Government, but in the end Mr. Balfour agreed to bring forward a new clause embodying the principle of exemption in certain circumstances of conscientious objection, but avoiding some of the features of Sir W. Foster's "statutory conscientious declaration." The new clause was amended, but afterwards struck out in the House of Lords. It was reinstated by the

House of Commons, and the Lords, by 55 votes to 45, decided that they would not insist on their amendment.

The Act of 1898 embodied many though by no means all of the recommendations of the Royal Commission. It extended the age period of vaccination to six months after birth. It replaced the system of stational vaccination established under the Act of 1867 by a system of vaccination at the homes of the children. Vaccination with glycerinated calf lymph was substituted for arm-to-arm vaccination. A parent who conscientiously believed that vaccination would be prejudicial to the health of his child, might escape penalty for not procuring the child's vaccination by satisfying two justices or a stipendiary or metropolitan police magistrate in petty sessions of his conscientious belief, and delivering a certificate to that effect to the vaccination officer.

Legal proceedings against persons in default are only to be repeated when the child is four years old if the parent has been convicted under sect. 29 of the Act of 1867, and not at all after conviction for non-compliance with an order made under sect. 31. The vaccination of a child may be postponed if the Public Vaccinator thinks it cannot be safely vaccinated on account of the insanitary condition of its home, or on account of the prevalence of infectious disease in the district. Provision was made for recording statistics relating to the vaccination of persons treated in smallpox hospitals, and power was given to the Local Government Board to make rules and regulations with respect to the duties and remuneration of public vaccinators.

The Act of 1898 was to some extent an experiment. Lord Lister described it in the House of Lords as a "tremendous experiment." It was to operate for five years, and it has since been renewed from year to year

by the Expiring Laws Continuance Acts. In the House of Lords when the fate of the Bill was, as it were, trembling in the balance, Lord Salisbury said, "If you pass this Bill now, there is nothing whatever, supposing the difficulties about the conscientious objector turn out to be real, to prevent your having another Bill to strengthen what may be thought too weak in this Bill. But, at all events, you will have offered an opportunity to those who say your coercion is a mistake, and you will have given an experimental trial to those improved processes by which you hope the popular illusion will be dissipated; you will have had a truce and an armistice, the bitterness will have calmed, and the agitation will have gone down, and you will be able to induce local authorities to work with you instead of against you in carrying out this great enterprise for the health and welfare of the people." (*Times*, 9th August, 1898.)

The Act of 1898 had not been long in operation before it appeared that the cost of public vaccination would be very considerably increased. In 1901-2 smallpox once more became epidemic in various parts of the country, and this gave a great impetus to primary vaccination as well as to re-vaccination.

In the year ending Lady-day, 1872, the cost of public vaccination amounted to £112,942. From that it gradually diminished until in the year to Lady-day, 1899, it was only £72,655. In the year ending Lady-day, 1900 (the first complete year under the system introduced by the Vaccination Act, 1898) the cost of public vaccination rose to £237,527; in 1901 it was £233,512, and in 1902, £270,628.

Complaints of the growing cost of vaccination were made by many boards of guardians, and resolutions were

passed urging that steps should be taken to reduce the cost. In 1903, Mr. W. H. Long, then President of the Local Government Board, appointed a departmental committee to inquire and report with regard to the remuneration, costs, and expenses of public vaccinators and vaccination officers, and whether any, and if so, what alterations should be made in relation to the remuneration, costs, and expenses of those officers.

The Committee examined 16 witnesses, some of whom represented the Local Government Board and Boards of Guardians and others, the Association of Poor Law Unions, the National Poor Law Officers' Association, the Association of Public Vaccinators of England and Wales, and the National Vaccination Officers' Association. The Committee also procured through the Local Government Board statistics showing the cost and expenses of public vaccination both before and after the issue of the Vaccination Order, 1898. The Committee reported on the 25th April, 1904, and the report with the evidence on which it was based was published in 1905. The report recognized that having regard to the work which public vaccinators were required to perform, the remuneration for primary vaccination since the Act of 1898 came into operation had in many cases not been excessive, particularly in country districts. They thought, however, that the fees for primary vaccination might be reduced if the provisions of the vaccination order were made more elastic so as to facilitate the adoption of special arrangements, such as they indicated, and to admit of certain modifications in the duties and status of the public vaccinators. They pointed out that a large proportion of the cost of vaccination in 1902-3 was due to the very large amount of re-vaccination performed during that period in consequence of the

epidemic of smallpox, and they made certain recommendations for reducing the cost of re-vaccination.

With regard to vaccination officers the Committee stated that no evidence was given to them in support of the reduction of the fees of those officers, while some witnesses represented that the minimum fees payable to them should be increased. They came to the conclusion that the order of 1898 afforded on the whole a very fair basis for the remuneration of those officers, and they did not recommend any change in districts where there is no serious local opposition to vaccination. But in districts where there is such opposition, the Committee thought that the fees of such officers should be fixed at an amount that would give them approximately the same remuneration as they would receive in a similar district where opposition to vaccination did not prevail, and they recommended that if in such districts in any year, after diligently performing their duties, the vaccination officers were, in the opinion of the Local Government Board, insufficiently paid for their work, the Board should be empowered to increase the fees or to prescribe a salary for the office. Some minor additional payments were, however, recommended, *e.g.* postages and fees for the registration of certificates of postponement and insusceptibility of vaccination.

Whatever merit there may have been in the recommendations of this Committee it was clear that some of them could not be carried out without fresh legislation. Meanwhile many Boards of Guardians continued to press for a reduction of the cost of vaccination, and on the 21st May, 1907, the Local Government Board issued an order dealing with the matter so far as their powers permitted. The minimum fees for vaccination and re-vaccination were reduced, the minimum fee in London

and in boroughs and urban districts having a population of not less than 50,000 was fixed at 2s. 6d. per case, whilst in other districts having a less population the fee is to be not less than 3s. 6d. Reduced fees were also introduced for cases in which more than one person is vaccinated or re-vaccinated at the same time and place.

In the circular letter which the Board issued with this order they pointed out that the payments fixed by the order were only minima, that each case must be considered on its merits in determining the actual fee to be paid, and that as regards the smaller districts the Board contemplated that a higher fee than the minimum would be fixed if the circumstances of the district in respect of area and population are such that a higher fee should properly be paid.

This circular will be found in the Appendix (p. 257).

Another difficulty in the working of the Act of 1898 arose from the varying views of justices as to their powers and duties in relation to the granting of certificates of conscientious objection.

The intention of the Government as to the operation of the clause was clearly stated by Mr. Balfour, who introduced it. He said—

“Honourable members seemed to think that under this clause it would be the duty of the magistrate to cross-examine as to the grounds of a parent's objection, that he should have a ‘conversation’ with the man as to the grounds of his refusal to allow the child to be vaccinated, what were his medical reasons for objecting and whether he had any personal experience of the effects of vaccination. He (Mr. Balfour) did not think it would be the duty of the magistrate to take this action. What the magistrate had to convince himself of was not whether the belief was well or ill founded, not whether the man had investigated the important medical problems concerned, but whether as a matter of fact, however it had arisen, the belief existed and was a genuine one.

Every one would admit that if the duty of the magistrate was limited as he (Mr. Balfour) had stated, and his business was clearly restricted to convincing himself that the man, be he right or wrong, ignorant or wise, whether he had investigated or not the grounds of this belief, genuinely entertained the belief, he was bound, under the clause, as the Government intended it to operate, to secure the man from any further prejudice." (*Times*, 21st July, 1898, House of Commons report.)

Mr. Chaplin, President of the Local Government Board, said, in the same debate—"Unless they (*i.e.* the magistrates) were convinced that the declaration made before them was absolutely false, they would accept it as a matter of course." So, too, the Solicitor-General (Sir Robert Finlay)—"All the magistrate was to be satisfied with was that a man conscientiously believed vaccination was bad for the health of his child, and then he was bound to grant a certificate. No inquiry as to the validity of the grounds of objection was possible." Challenged whether he meant that there should be a "magisterial inquiry," the Solicitor-General said—"Not into the validity of the ground of objection, but as to whether the conscientious belief is held." (*Times Report*, 21st July, 1898.)

These intentions, however, were not universally carried out. Many justices took the very action which Parliament was told they would not be entitled to take. In some cases they refused to be satisfied that applicants really held conscientious objections, and the High Court, in a case where a mandamus was sought to compel a magistrate to grant a certificate, held that the applicant had to satisfy the magistrate of his belief, and that even if the magistrate were wrong the Court could not make him be satisfied. (*Reg. v. Welby, ex parte Bird*, 66 J. P. 86.)

In other cases the expenses of applicants were increased by decisions of justices that applicants should, where possible, produce a certificate of the child's birth, a course which was also upheld by the High Court in *Reg. v. Lowndes*, (1899) 1 Q. B. 577, 68 L. J. Q. B. 318; 80 L. T. 532; 47 W. R. 315; 63 J. P. 344.

Complaints of the unequal administration of this branch of the law increased year by year. Lord Alverstone, in his capacity of Lord Chief Justice, took an opportunity of stating from the Bench his views as to the procedure which justices ought to adopt when applications were made to them for certificates of conscientious objection (*Times*, 5th September, 1904), and the Home Office issued circulars on the subject to the various Courts of Summary Jurisdiction.

The difficulty, however, still remained. Complaints continued to be made that in certain districts justices would not be "satisfied"; certificates of conscientious objection in those districts could not be procured, and parents who, as they alleged, had done their best to obtain an exemption in accordance with the law, found themselves deprived, through no fault of their own, of the protection which the Act of 1898 was designed to give them. It became obvious that a further change in the law was necessary, and this change was made by the Act of 1907. The Bill for this Act was introduced by Mr. Burns, President of the Local Government Board, and was generally accepted by the great majority of members of the House of Commons. A motion to reject it on second reading was lost by 122 votes to 14.

The Bill repealed sect. 2 of the Act of 1898, and shortly provided that the conscientious objector should in future obtain his exemption by making a statutory declaration of his objection in a form which the Bill prescribed, and sending it within seven days to the vaccination officer of the district in which the child's birth was registered.

In Committee of the House of Commons, various efforts to extend the scope of the Bill were made, mainly by the opponents of vaccination, but these, on

the opposition of the Government, failed to secure approval. A motion, enabling the mother as well as the father of a child to make the objection, was carried in Committee by a majority of one, but this proposal was rejected by the House of Lords, and the House of Commons on subsequent consideration decided to accept the Lords' amendment. The Bill was passed on the 28th August, 1907, and came into operation on the 1st January, 1908. A short temporary order was issued by the Local Government Board on the 21st September, 1907, providing a form in which registrars of births were to notify the change in the law to parents of children born after the 31st August, 1907. That order was replaced and repealed by the Vaccination Order, 1907 (No. 2) which was issued on the 21st December, 1907 (see page 215). It has not been thought necessary to print in this volume the temporary order referred to.

As the matter now stands the certificate of conscientious objection may be obtained by the parent (*i.e.* the father only, if father and mother are both living and in charge of the child) or other person in charge of the child going to a solicitor who is a commissioner of oaths, or to a justice of the peace, and making and signing the declaration in the form which is included in the notice A, which he receives from the registrar at the time the birth of the child is registered. He will not be required to submit to any examination by the commissioner or justice, but he may have to pay the fee ordinarily payable to commissioners before whom declarations are taken. This fee is 1s. 6d.

It has been alleged by many that the change in the method of obtaining exemption will probably diminish the number of children vaccinated. If, however, the Act is followed by results similar to those which

attended the exemption clause in the Act of 1898, the number of children vaccinated will be increased rather than diminished.

Notwithstanding the relaxation of the law introduced by the certificates of exemption, it is the fact that from the time the Act of 1898 came into operation the percentage of children vaccinated steadily increased. This was no doubt partly due to the fears which arose from the presence of smallpox in various parts of the country during the period 1901-3, but the medical officer of the Local Government Board has drawn attention, in his annual reports, to the increased percentage of children vaccinated year by year since the Act of 1898 was passed, and he has pointed out that the better observance of the vaccination law continued to be maintained, even after smallpox had again practically disappeared.



THE VACCINATION ACT, 1867.

30 & 31 VICT. CAP. 84.

*An Act to Consolidate and Amend the Laws relating
to Vaccination.* [August 12th, 1867.]

WHEREAS it is expedient to consolidate and amend the statutes relating to vaccination in England: (a) Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. From and after the day when this Act shall come into operation as hereinafter provided, (b) the statute of the third and fourth years of the reign of Her Majesty, chapter twenty-nine, that of the fourth and fifth years of the same reign, chapter thirty-two, that of the sixteenth and seventeenth years of the same reign, chapter one hundred, the seventh section of the statute of the twenty-first and twenty-second years of the same reign, chapter twenty-five, the second section of the statute of the twenty-first and twenty-second years of the same reign, chapter ninety-seven, and the statute of the twenty-fourth and twenty-fifth years of the same reign, chapter fifty-nine, shall be repealed,—

Sect. 1.

—
Acts and
parts of
Acts herein
named
repealed on
and after
January 1,
1868.

Except in regard to the divisions and districts of unions and parishes previously made, and to all contracts under the said statutes then in force, and to

Exceptions.

Sect. 1. *all acts and proceedings duly commenced under the same, and not then completed, and except in regard to all liabilities and responsibilities incurred under the same, all which shall remain in as full force as if the same statutes had not been repealed, unless they be in any respect inconsistent with the provisions herein contained.*

The preamble and section 1 were repealed by the Statute Law Revision (No. 2) Act, 1893.

(a) By 20 Geo. 2, c. 42, s. 3, in all cases where the kingdom of England is mentioned, the dominion of Wales and the town of Berwick-upon-Tweed are deemed to be included.

(b) *I.e.* on the 1st of January, 1868. (See section 37, *post*, p. 83.)

Guardians
to divide
unions and
parishes
into vacci-
nation dis-
tricts, or
to consoli-
date or
alter them,
subject to
approval
of the Poor
Law Board.

2. The guardians of every union or parish where the same shall not have been divided into districts for the purpose of vaccination shall, unless such union or parish respectively shall be of so limited an area as not to require subdivision, (a) in which case the same shall be treated as a vaccination district within the meaning hereof, forthwith divide the union or parish for which they act into districts for the performance of vaccination; and when the Poor Law Board shall by their order (b) require any districts for the time being to be consolidated or otherwise altered, the guardians shall proceed to consolidate or alter the same, and they shall in every such case of division, consolidation, or alteration report their proposal to the Poor Law Board (c) for their approval, which board shall approve or disapprove of the same as they see fit; and the guardians of every union or parish may with like approval, from time to time as they shall find it requisite, alter the districts heretofore formed or

hereafter to be formed for the purpose of vaccination. Sect. 2.

(a) The main purpose of the provisions in the Act of 1867 with regard to the constitution of districts was to enable the system of arm-to-arm vaccination to be carried out in the best way possible, and to give the public vaccinator facilities for obtaining humanized lymph free from suspicion. To this end it was essential that too great subdivision of districts should be avoided. The more children who were collected together on vaccinating days, the more opportunity was given to the public vaccinator for selecting lymph from healthy infants.

Division of
unions into
districts.

Vaccination from arm to arm is now replaced by vaccination with glycerinated calf lymph (Vaccination Act, 1898, p. 103), and the chief object in dividing unions into districts for purposes of vaccination will be to make each district of such a size that it can be conveniently and economically worked by one public vaccinator.

(b) Although the Act requires that the Poor Law Board (now Local Government Board) "shall by their order" require any districts, &c., to be altered, the board will only issue an order in the event of guardians refusing or neglecting to carry out the recommendation made to them by the board. In the first instance, the board will, doubtless, embody in a letter to the guardians the alterations which they desire to have made.

(c) Now the Local Government Board. (34 & 35 Vict. c. 98, s. 16.)

3. If the said board disapprove of the proposal the guardians shall forthwith proceed to prepare another, and submit the same to the said board for approval, and so on from time to time as shall be requisite until their proposal shall be approved, and when the said board shall have approved of the same the guardians shall enter into a contract (a) with some duly registered (b) medical practitioner (c) for the performance of vaccination of all persons (d) resident within each district; (e) and every such medical practitioner shall be termed the public vaccinator of the district; (f) and as and when the contracts now existing shall determine the guardians shall enter into others, with such modifications as the

If the
board do
not approve,
another
scheme
to be pre-
pared;
when
approved,
guardians
to contract
for per-
formance
of vacci-
nation.

Sect. 3. circumstances shall render necessary, subject to the like
— approval of the Poor Law Board (g) as aforesaid. (h)

(a) The forms of contract now in force were prescribed by the Vaccination Orders, 1907 and 1898, *post*, pp. 151 and 156. Forms of contract in accordance with this order can be obtained from Messrs. Shaw & Sons, Fetter Lane.

Vacancy in
office of
public
vaccinator.

When a vaccination contract is terminated, it is the duty of the guardians to enter into a new contract for the district, unless they elect, with the approval of the Local Government Board, to add the district to another district, or to other districts in the same union.

If the guardians refuse to appoint a public vaccinator to a vacant district, a mandamus to compel them to appoint can probably be obtained against them by the Local Government Board.

In 1884, in *Reg. v. Dewsbury Guardians* (unreported), a rule *nisi* for a mandamus was obtained by the Local Government Board. The guardians returned that they had advertised for a public vaccinator, but no applicant had replied who, in the opinion of the guardians, was suitable for the post. A duly qualified medical practitioner had applied, but the guardians alleged that he was too inexperienced. Huddleston, B., in the course of the argument, said that it was imperative that the guardians should find out some duly registered medical practitioner, and that in his opinion it was not enough to merely put an advertisement in the newspaper. The rule was made absolute for a mandamus, but its issue was suspended for a fortnight, and the guardians in the mean time made the appointment. (48 J. P. 521.)

Registered
medical
practitioner.

(b) The Medical Act, 1858 (21 & 22 Vict. c. 90, s. 36), enacts that no person shall hold any appointment as physician, surgeon, or other medical officer, in any lunatic asylum, house of industry, parochial or union workhouse, parish union, or other public establishment, body, or institution, or as a medical officer of health, unless he be registered under the Act. The names of the medical practitioners who are registered under the Medical Acts are published annually under the direction of the General Council of Medical Education and Registration of the United Kingdom. Since the 30th June, 1887, no person has been registered under the Medical Acts in respect of any qualification referred to in any of those Acts, unless he has passed a qualifying examination in medicine, surgery, and midwifery. (Medical Act, 1886, section 2.)

(c) See section 4 and notes thereon.

Vaccination
not paro-
chial relief.

(d) See section 26, *post*, whereby it is declared that vaccination shall not be considered to be parochial relief. During the prevalence of smallpox in 1901-3, the question was raised by many boards of guardians whether persons who could well

afford to pay for the vaccination and re-vaccination of their children were legally entitled to have the operation performed at the public expense. The answer was clear: every person of whatever grade or condition in life may have his child vaccinated by the public vaccinator, for the provisions of the Acts are not confined to the poor, but extend to all classes of persons resident within the district of the public vaccinator.

Note to
Sect. 3.

(e) Except in the cases provided for in section 11, *post*, the public vaccinator can only vaccinate those persons resident in the district for which he is vaccinator.

(f) It has been held that, by the terms of the 5 & 6 Vict. c. 57, s. 14, a public vaccinator in any union or parish would be disqualified by the receipt of the payments made to him under his contract for serving as a guardian of such union or parish. (Off. Cir. vol. iii. p. 148.) See *Reg. v. Rawlins*, L. R. 15 Q. B. D. 382, &c. Public vaccinator cannot be guardian.

Public vaccinators are not entitled to superannuation under the Poor Law Officers Superannuation Acts, 1896 and 1897. Superannuation.

(g) Now the Local Government Board.

(h) If it is proposed to make a change in the arrangements which have been approved by the Local Government Board, it is necessary to obtain the Board's sanction to the proposal.

4. No person shall be appointed a public vaccinator, or act as deputy for a public vaccinator, who shall not possess the qualification heretofore prescribed (a) by the Lords of Her Majesty's Council, or such as shall be from time to time hereafter prescribed by them, (b) except when such lords shall upon sufficient cause sanction any departure (c) from their directions; and all such regulations as the said lords have heretofore made or shall hereafter make, which they are hereby authorized to make, to secure the efficient performance of vaccination or the provision and supply of vaccine lymph by the public vaccinator, and all such directions or regulations as the said lords (b) acting under any Act (d) for the prevention of diseases may issue in relation to smallpox, shall be duly observed by the several persons to whom they apply; and the said lords (b) may from time to time cause such inquiries to be made relating to the observance of such

Qualification of vaccinator to be prescribed by Lords of the Privy Council, and other regulations to be prescribed by them.

Sect. 4. regulations and to the execution of this Act as to
 — them shall seem fit, and shall direct how any money hereafter to be provided by Parliament for or towards defraying the expenses of the national vaccine establishment,(e) or otherwise providing for the supply of vaccine lymph, shall be applied.

Certificate of
 proficiency
 in vaccina-
 tion.

(a) The following regulation was contained in the now repealed Order of the Privy Council, dated 1st December, 1859:—

“Except where the Privy Council, for reasons brought to their notice, see fit in particular cases otherwise to allow, no person shall in future be admitted as a contractor for vaccination unless he possess the same qualifications as are required by the orders of the Poor Law Commissioners as qualifications for a district medical officer, and produce a special certificate, given, under such conditions as the Privy Council from time to time fix, by some public vaccinator whom the Privy Council authorize to act for the purpose, and by whom he has been duly instructed or examined in the practice of vaccination, and all that relates thereto :

But the production of this special certificate on occasion of the contract being made may be dispensed with, if the certificate, or some other which the Privy Council judge to be of like effect, have been among the certificates or testimonials necessary for obtaining any diploma, license, or degree, which the candidate possesses :—

And also, in respect of persons legally admitted to practise before this regulation comes into effect, the special certificate may be dispensed with, on condition that the contract, during one year from its making, continue subject to the approval of the Poor Law Board.”

By Article 2 of the Vaccination Order, 1898, the guardians of any poor law union shall not enter into a contract for public vaccination with any registered medical practitioner, or approve of any such practitioner as deputy for a public vaccinator, unless he shall produce a certificate of proficiency in vaccination given, under such conditions as the Local Government Board from time to time fix, by some person whom they shall have authorized to act for the purpose and by whom he shall have been duly instructed and examined in the practice of vaccination; but it shall not be necessary to produce the certificate to the guardians, if such certificate was required as a condition of obtaining any diploma, license, or degree which the contractor possesses. (*Post*, p. 123.)

By an amending order issued on the 8th June, 1905, a certificate of proficiency in vaccination may be granted after

examination only and without a preliminary course of instruction to the persons specified in the order (see *post*, p. 124).

See note (b) to section 3.

Note to
Sect. 4.

A district medical officer is required to be qualified by law to practise both medicine and surgery. (See note (b) on p. 46.)

The following list shows the qualifications granted by the different examining bodies in the United Kingdom:

Universities of Oxford, Cambridge, Durham, London, Victoria (Manchester), Birmingham, Liverpool, Leeds, Sheffield, Wales, Edinburgh, Glasgow, Aberdeen, St. Andrew's, Dublin, and the Royal University of Ireland.	} Degrees in Medicine and Surgery.
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Dublin also gives *licenses* in Medicine and Surgery.

Royal College of Physicians of London.	} The license covers both Medicine and Surgery.
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Royal Colleges of Physicians of Edinburgh and of Ireland.	} Licenses in Medicine.
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Society of Apothecaries in London, and the Apothecaries' Hall, Dublin.	} Licenses in Medicine.
---	----------------------------

Royal College of Surgeons of England, Edinburgh, and Ireland, and the Faculty of Physicians and Surgeons in Glasgow.	} Licenses in Surgery.
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The respective dates at which the various examining bodies in England, Wales, and Scotland are regarded as having required from candidates for degrees or diplomas certificates of proficiency in vaccination from a teacher authorized by the Board, are set out on page 255.

Every medical practitioner registered after 30th June, 1887, is, under section 6 of the Medical Act, 1886, empowered to practise both medicine and surgery; but the power of medical men registered before that date is not affected by the section (s. 24).

(b) Now the Local Government Board.

(c) Where the guardians of a union are unable to appoint a medical officer possessing the full qualification, and the Local Government Board assent to the appointment of a medical man having but one qualification, and the guardians contract with him for vaccination, the regulations are waived in such a case.

When a
single quali-
fication
accepted.

(d) By section 134 of the Public Health Act, 1875, whenever any part of England appears to be threatened with, or is affected by, any *formidable* epidemic, endemic, or infectious disease, the Local Government Board may make regulations for all or any of the following purposes: namely, (1) for the speedy interment of the dead; (2) for house-to-house visitation; (3) for the provision of medical aid and accommodation, for the promotion of cleansing, ventilation, and disinfection, and for guarding against the spread of disease. It rests solely with

Note to Sect. 4. — the Local Government Board to interpret their duty under this enactment and to decide what disease is to be regarded as “formidable.” Prior to 1904 no regulations under s. 134 had ever been made in relation to smallpox: see note on p. 113.

(e) The National Vaccine Establishment was originally started for supplying lymph for purposes of vaccination. Its duties have passed to the Local Government Board, by whom lymph is supplied to public vaccinators upon application either personally or by letter.

Under the provisions of the Vaccination Act, 1898, it became the duty of the Local Government Board to supply calf lymph for purposes of public vaccination generally, and not merely small quantities, as hitherto, for the purpose of starting local series of arm-to-arm vaccination. Public vaccinators no longer need to keep up a supply for themselves by securing a succession of cases vaccinated from arm to arm. Arm-to-arm vaccination has not been practised in public vaccination since the 1st January, 1899. The lymph now used is glycerinated calf lymph, or such other lymph as may be issued by the Local Government Board. (Section 1 (3), Vaccination Act, 1898.)

As to
allowances
to public
vaccinators.

5. On reports made to the Lords of Her Majesty's Council (a) with regard to the number and quality of the vaccinations performed in the several vaccination districts of England, or any of them, the said lords may from time to time, [*out of moneys provided by Parliament (b)*] and under regulations to be approved by the [*Lords Commissioners of Her Majesty's (c)*] Treasury, authorize to be paid to any public vaccinators, in addition to the payments received by them from guardians or overseers, (d) further payments not exceeding in any case the rate of one shilling for each child whom the vaccinator has successfully vaccinated during the time to which the award of the said Lords of the Council relates.

(a) Those reports are made by medical inspectors, who are now appointed by and report to the Local Government Board.

(b) The words in italics were repealed by section 24 (2) Local Government Act, 1888. The propriety of continuing the system of allowances was discussed at length in the House of Commons on Friday, 22nd July, 1887; see the *Times* report on the following day. The payment is no longer made out of

Note to
Sect. 5.

moneys provided directly by Parliament, but under the Local Government Act, 1888, it is made by the county councils, out of the local taxation account, on receipt from time to time of certificates issued by the Local Government Board stating the amount due. These allowances are not affected by the Vaccination Act, 1898.

The rules under which the payments are now made are printed in the Appendix, p. 272.

(c) These words were repealed by the Statute Law Revision (No. 2) Act, 1893.

(d) See section 6, Vaccination Act, 1898, p. 111.

6. *Every such contract for vaccination shall provide for payment in respect only of the successful vaccination of persons, and so that the rate of payment for primary vaccinations shall not be less than the following; that is to say, for every such vaccination done at an appointed station situated at or within one mile from the residence of the vaccinator, or in the workhouse of the union or parish, not less than one shilling and sixpence; and for every such vaccination done at any station over one mile and under two miles distant from his residence, not less than two shillings; and for every such vaccination done at any station over two miles distant from his residence, not less than three shillings; such distance being measured according to the nearest public carriage road; but in respect of successful vaccinations performed elsewhere than at a station or in the workhouse as aforesaid, the payment shall be according to the terms specified in the contract as approved of by the Poor Law Board.*

As to fees
payable for
vaccination.

This section was repealed by the Vaccination Act, 1898. Power to make rules and regulations with respect to the remuneration of public vaccinators was conferred on the Local Government Board by section 6 of that Act, and the rules now in force are contained in the Vaccination Order, 1907, *post*, pp. 204 to 208.

7. The guardians shall, with the consent of the Poor Law Board, make stipulations and conditions

Conditions
may be im-
posed in the

Sect. 7. in their contracts to secure the due vaccination of persons, (a) the observance of the provisions of this Act with regard to the transmission of the certificate of successful vaccination, (b) and the fulfilment of all other provisions of this Act on the part of the public vaccinator, [*and shall provide all stations at which the vaccination shall be appointed to be performed other than the surgery or residence of the public vaccinator.* (c)]

—
contracts
to secure
due vacci-
nation of
persons.

(a) This is provided for in the new form of contract contained in the Vaccination Order, 1907. (*Post*, p. 151.)

(b) See section 21, p. 61, as amended by section 7 of the Vaccination Act, 1871, p. 88.

(c) The words in italics were repealed by the Vaccination Act, 1898. With regard to the use of stations under that Act, see section 7, Vaccination Act, 1898, and the note thereto.

Provision
for re-vacci-
nation.

8. The provisions of the contracts entered into before this Act comes into operation shall not, after the thirty-first day of December next apply to the cases of persons who having been previously successfully vaccinated shall be re-vaccinated, but if the Lords of Her Majesty's Council (a) shall have issued or shall hereafter issue regulations in respect of the re-vaccination of persons who may apply to be re-vaccinated, which such Lords are hereby authorized to do, the guardians shall pay in respect of every case of successful re-vaccination performed in conformity with such regulations under such contracts or under new contracts entered into after the date hereof a sum [*amounting to two-thirds of the fee payable upon each case of successful primary vaccination.* (b)]

(a) Now the Local Government Board.

(b) The words in italics were repealed by the Vaccination Act, 1898.

By section 6 of the Vaccination Act, 1898, the Local Government Board were empowered to make rules and regulations with respect to the duties and remuneration of public vaccinators. Under that section the Board have provided for payment for cases of re-vaccination in the Vaccination Order, 1907, *post*, p. 127.

Note to Sect. 8.

Payment for re-vaccination.

Inspection of re-vaccination.

Registration.

If the re-vaccinated person does not return for inspection he must himself pay for the performance of re-vaccination. See section 9 of the Vaccination Act, 1871 (p. 91).

When a public vaccinator performs re-vaccination, he should enter the case in his vaccination register, distinguishing it, however, from the cases of primary vaccination. See the form of register [O] in Schedule 5 to the Vaccination Order, 1898, *post*, p. 190.

He is not required to send to the vaccination officer any certificate of successful re-vaccination, and the vaccination officer is not concerned with certificates of re-vaccination.

Certificates.

9. No contract for vaccination entered into under the provisions of this Act shall be valid until the same shall have been approved (a) of by the Poor Law Board, (b) and such Board may, at their discretion, upon the application of the Lords of Her Majesty's Council (b) or otherwise, at any time after the same shall have been approved of by them, determine it either forthwith or at a future day.

Contract not valid unless approved of by the Poor Law Board, who may determine the same at any time.

(a) Under the 29 & 30 Vict. c. 113, s. 4, and 34 & 35 Vict. c. 70, s. 5, *post*, p. 226, the approval of a contract may be signified by letter, signed by the secretary or assistant secretary. See also section 14 of 34 & 35 Vict. c. 98, *post*, p. 97, which extended the provisions of this section to contracts entered into before the passing of the Vaccination Act, 1867.

(b) The powers of the Lords of the Council and those of the Poor Law Board in relation to vaccination are now vested in the Local Government Board.

10. No payment in respect of vaccination shall be made out of the common fund of any union, or out of the poor rate of any parish, or out of any other public or parochial fund, where the Poor Law Board (a) shall not have approved of a contract for the performance thereof, or after they shall have determined any such contract; and every payment made contrary hereto

No payment to be made out of the poor rate or any other public fund unless the Poor Law Board have approved of the contract.

Sect. 10. shall be disallowed (b) by the auditor in the accounts
— of every board of guardians, or of the overseers, or
of any officer who shall have made the same.

(a) Now the Local Government Board.

Appeal
against dis-
allowance or
surcharge.

(b) Every person aggrieved by any disallowance or surcharge made by the auditor can appeal to the Local Government Board, and if they shall find that any disallowance or surcharge shall have been or shall be lawfully made, but that the subject-matter thereof was incurred under such circumstances as make it fair and equitable that the disallowance or surcharge should be remitted, they may remit it. (See 7 & 8 Vict. c. 101, s. 36, and 11 & 12 Vict. c. 91, s. 4.)

Local
Authorities'
Expenses
Act, 1887.

In applying the provisions of the above section (10), the provisions of the Local Authorities' Expenses Act, 1887, must be borne in mind. That Act directs (section 3) that "expenses paid by any local authority whose accounts are subject to audit by a district auditor, shall not be disallowed by that auditor if they have been sanctioned by the Local Government Board."

No public
vaccinator
to be paid
for vaccina-
tion out of
his district.

11. Where a district (a) shall have been or shall be assigned to a vaccinator, he shall not be entitled to be paid a fee in respect of the vaccination or re-vaccination of any child or other person resident out of his district, except in case of a vacancy (b) in the office of vaccinator in any adjoining district, or of the default of the vaccinator therein, of which default notice shall have been given to him in writing by the guardians, or when a relieving officer of his union or parish shall in writing refer any child to him for vaccination.

(a) See section 3, *ante*, p. 45.

(b) On the occurrence of a sudden vacancy in the office of public vaccinator, and pending the execution of a new contract approved by the Local Government Board, the guardians may make arrangements with the public vaccinator of an adjoining district of the union to do the necessary vaccination.

In May, 1902, at the meeting of the City of London guardians, the finance committee reported that, in response to their application to the Local Government Board as to the legality of the payment of a fee of 6s. per case for the re-vaccination of non-resident persons at the addresses of their employers within the

City, they had been informed by the Local Government Board Sect. 11.
 that a factory, or other similar place at which a person is employed, but does not reside, could not be regarded as the person's home within the meaning of the Vaccination Order, 1898, and that a public vaccinator would not be entitled to the ordinary domiciliary fee in respect of any vaccination or re-vaccination properly performed by him at such an establishment on such an employee. At the same time, it was stated that the Board had, upon the application of the guardians of some other unions, sanctioned, in order to avoid difficulty at audit, an arrangement for the payment, in the cases referred to, of a fee to the public vaccinator equal to that provided in his contract for vaccinations or re-vaccinations at a place other than the person's home (*Local Government Journal*, May 3, 1902). The sanction in these cases was probably given under the Local Authorities' Expenses Act, referred to in note (b) to sec. 10, above.

12. (a) *The guardians may with the consent of the Poor Law Board, provide in districts where the population is scanty or much scattered, or where some peculiar circumstances may render it expedient for them to do so, for the attendance of the public vaccinator at the appointed places after intervals exceeding three months; and if by reason of such intervals the vaccination of any child cannot be performed within the respective periods herein prescribed, no parent or other person who would otherwise be liable shall be liable to any penalty in respect of a neglect to procure the vaccination during any such period; but every such parent or other person shall be bound to procure such vaccination to be performed at the time and place so appointed, before the commencement of the next interval, unless it be otherwise performed by a medical practitioner as herein provided, or unless the child shall be certified to be then in an unfit state for or insusceptible of vaccination.*

Provision
for districts
in particular
places of
scanty
population.

(a) Repealed by the Vaccination Act, 1898.

13. When the guardians make any alteration in Guardians
 a vaccination district, (a) or otherwise in the local to give
 notice of

Sect. 13. arrangements for vaccination, they shall give public notice (b) of such alteration by printed papers to be affixed in the districts affected by such alteration for one month prior to the alteration taking effect.

—
alteration in
districts.

(a) See note (h) to section 3, *ante*, p. 47.

(b) Provision for paying the cost of printing and publishing such notices is made in section 28, *post*, p. 65. See also Art. 29 (3) of the Vaccination Order, 1898, *post*, p. 146.

The Registrar-General to provide forms.

14. (a) *The Registrar-General for England and Wales shall, when he shall deem it necessary, from time to time as occasion shall require, after the passing of this Act, frame and provide appropriate books, forms, and regulations for the use and guidance of the registrars in the exercise of their duties therein prescribed, and also such forms as shall be required for the use of the public vaccinators, and the signature of the medical practitioners under the provisions of this Act, and shall transmit the same to all registrars of births and deaths, who shall retain such as relate to themselves, and distribute among the vaccinators within their respective districts such as relate to them without any fee or reward.*

(a) This section is repealed by 34 & 35 Vict. c. 98, s. 17, and provision for the supply of forms is made by sections 5 and 8, *post*, pp. 86 and 90.

Registrar of births to deliver notice of vaccination to parent or other person registering birth.

15. The registrar of births shall, on or within seven days after the registration with him of the birth of any child not already vaccinated, give a notice (a) according to the form in the schedule hereto annexed marked A., (b) or to the like effect, to the parent, or, in the event of the death, illness, absence, or inability of the parent, to the person having the custody of such child, if known to him, requiring such child to be duly vaccinated [*according*

to the provisions of this Act, and specifying the days, Sect. 15. hours, and places where the public vaccinator of the vaccination district wherein such child resides, or the vaccinator of any station duly authorized by the Lords of Her Majesty's Council, (c) will attend for the purpose of performing the operation, (d)] to which notice forms according to those in the said schedule marked B. C. and D., (b) and also the address of the registrar giving the notice, shall be attached in such form as the Registrar-General shall deem most convenient.

(a) Section 34 (*post*, p. 81) provides that in any prosecution for neglect to procure the vaccination of a child, it shall not be necessary, in support thereof, to prove that the defendant had received notice from the registrar or any other officer of the requirements of the law.

(b) The forms now in use were prescribed by the Vaccination Orders made in 1907, pp. 213 and 218. The forms referred to in the foregoing section were previously altered by the General Order issued by the Local Government Board on the 30th November, 1871, and again by the Vaccination Order, 1898.

(c) Now the Local Government Board.

(d) The words in italics were repealed by the Vaccination Act, 1898.

It sometimes happens that the parents of a child remove with the child from the registration sub-district in which the child was born into another sub-district, before the birth of the child is registered. The regulations for registrars of births and deaths issued by the registrar-general (No. 20) provide that in such a case the information concerning the birth may be given by written declaration to the registrar of the sub-district in which the informant resides. That registrar must receive and attest the declaration, and send it to the registrar of the sub-district in which the birth occurred. "The registrar who attests the declaration must, when the child has also been removed with the informant, proceed as regards vaccination in all respects as though he had himself registered the birth; and the registrar to whom the declaration is sent will have no duty to perform in respect of the vaccination of such child." See also p. 164, *post*.

16. The parent of every child born in England shall [within three months (a) after the birth of such Parent or other person to procure

Sect. 16. *child,*] or where, by reason of the death, illness, absence, or inability of the parent, or other cause, any other person shall have the custody of such child, such person shall, [*within three months after receiving the custody of such child take it or cause it to be taken to the public vaccinator of the vaccination district in which it shall be then resident, according to the provisions of this or any other Act, to be vaccinated, or shall within such period as aforesaid*] cause it to be vaccinated by some medical practitioner; (b) [*and the public vaccinator to whom such child shall be so brought is hereby required with all reasonable despatch, subject to the conditions hereinafter mentioned, to vaccinate such child.*]

the vaccination of child within three months.

(a) The words in italics in this section were repealed by section 1 (1) of the Vaccination Act, 1898. The period within which the parent or other person having the custody of a child must cause it to be vaccinated is now six months. (Section 1(1), p. 102. See also section 1 (1) of the Act of 1907, p. 117.)

(b) As to meaning of "medical practitioner," see section 35 and note thereon, *post*, p. 82.

Provision for inspection of vaccination.

17. [*Upon the same day in the following week when the operation shall have been performed by the public vaccinator, such parent or other person, as the case may be, shall again take the child or cause it to be taken to him or to his deputy that he may inspect it, and ascertain the result of the operation, and, if he see fit, take from such child lymph for the performance of other vaccinations; and*] in the event of the vaccination being unsuccessful such parent or other person shall, [*if the vaccinator so direct,*] cause the child to be forthwith again vaccinated [*and inspected as on the previous occasion.*]

The words in italics were repealed by the Vaccination Act, 1898.

Under the Act of 1898 (section 1 (2), p. 102) the parent or other person having the custody of a child may require the public vaccinator of the district to visit the home of the child for the purpose of vaccinating the child.

Note to
Sect. 17.

Provision for inspecting the child's arm to ascertain the result of the operation is now contained in Art. 8 of the Vaccination Order, 1898, as amended by Art. 8 of the Vaccination Order, 1907, and Para. 6 of the first schedule to the latter order (p. 152).

18. If any public vaccinator or medical practitioner (*a*) shall be of opinion that the child is not in a fit and proper state to be successfully vaccinated he shall forthwith deliver to the parent or other person having the custody of such child a certificate (*b*) under his hand according to the form in the schedule hereto annexed marked B., (*c*) or to the like effect, that the child is then in a state unfit for successful vaccination, which certificate shall remain in force for two months, (*d*) and shall be renewable for successive periods of two months until a public vaccinator or medical practitioner (*a*) shall deem the child to be in a fit state for successful vaccination, when the child shall, with all reasonable despatch, be vaccinated, and the certificate of successful vaccination duly given if warranted by the result.

Provision
for the
unfitness of
the child for
vaccination.

See also section 1 (4), Vaccination Act, 1898, p. 103.

(*a*) As to meaning of "medical practitioner," see section 35 and note thereon, *post*, p. 82. See also section 3, p. 46.

(*b*) The 21 & 22 Vict. c. 90, s. 37, enacts that "no certificate required by any Act now in force, or that may hereafter be passed, from any physician, surgeon, licentiate in medicine and surgery, or other medical practitioner, shall be valid unless the person signing the same be registered under this Act."

(*c*) The form now in use is prescribed by Art. 7 of the Vaccination Order, 1907, *post*, p. 213. See also 34 & 35 Vict. c. 98, s. 7, *post*, p. 88.

(*d*) Two calendar months.

19. *At or before the end of each successive period the parent or such person as aforesaid shall take or*

Provision
for succes-
sive certi-
ficates.

Sect. 19. *cause the child to be taken to some public vaccinator or medical practitioner, who shall then examine the child, and give the certificate according to the said form B., so long as he deems requisite under the circumstances of the case.*

This section is repealed by the Vaccination Act, 1898.

Provision
for insus-
ceptibility
of successful
vaccination.

20. If any such public vaccinator or medical practitioner (a) shall find that a child whom he has three times unsuccessfully vaccinated is insusceptible (b) of successful vaccination, or that a child [*brought to him for vaccination*] has already had the smallpox, he shall deliver to the parent or other person as aforesaid a certificate (c) under his hand according to the form in the schedule hereunto annexed marked C., (d) or to the like effect, and the parent or such person as aforesaid shall thenceforth not be required to cause the child to be vaccinated.

The words in italics were repealed by the Vaccination Act, 1898.

(a) As to meaning of "medical practitioner," see section 35 and note thereon, *post*, p. 82.

(b) A public vaccinator or medical practitioner is legally justified in certifying as insusceptible of vaccination a child whom he has three times unsuccessfully vaccinated. Dr. Seaton, however, in *The Handbook of Vaccination*, says: "Insusceptibility to the infection of cowpox, even for a very limited period, is an occurrence of extreme rarity. For in the few cases in which good operators fail to infect at the first operation, they rarely fail to infect at a second trial." . . . The same author states that of upwards of 9000 vaccinations performed at the Blackfriars station of the National Vaccine Establishment between 1859 and 1868, there was but one case which, on a second trial, was unsuccessful. See also Memoranda on "Insusceptibility" in the Appendix, p. 268.

(c) As to the transmission of these certificates to the vaccination officer, see Vaccination Act, 1871, section 7, and notes thereon, *post*, p. 88.

(d) The form now in use (D) was prescribed by Art. 7 of the Vaccination Order, 1907, *post*, p. 214.

21. Every public vaccinator who shall have per-
 formed the operation of vaccination upon any child,
 and have ascertained that the same has been success-
 ful, shall, within twenty-one (*a*) days after the per-
 formance of the operation, transmit by post (*b*) or
 otherwise a certificate according to form D. (*c*) in the
 said schedule, or to the like effect, certifying that
 the said child has been successfully vaccinated, to
 the registrar (*d*) of births and deaths in the district
 within which the birth was registered, but if such
 district be not known to him, or if the birth of the
 child shall not have been registered, to the regis-
 trar (*d*) within whose district the operation shall have
 been performed, and upon request shall deliver a
 duplicate (*e*) thereof to the parent or other person as
 aforesaid.

—
 Certificate
 of successful
 vaccination
 to be trans-
 mitted to
 the regis-
 trar, and a
 duplicate
 given to the
 parent.

(*a*) This period is altered by section 7 of 34 & 35 Vict. c. 98, *post*, p. 88. The certificate must now be transmitted to the vaccination officer within seven days after it has been ascertained that the vaccination has been successfully performed.

(*b*) The certificates bear an impressed stamp, and can therefore be sent by post without cost to the sender.

(*c*) The form now in use (E) was prescribed by Art. 7 of the Vaccination Order, 1907, *post*, p. 214.

(*d*) Now to the vaccination officer. See 34 & 35 Vict. c. 98, s. 6, *post*, p. 87.

(*e*) Forms for duplicate certificates can be obtained from the vaccination officers, to whom they are supplied by the Local Government Board.

22. No fee or remuneration shall be charged by the
 public vaccinator to the parent or other person for
 any such certificate or duplicate certificate as afore-
 said, nor for any vaccination done under his contract,
 nor shall he be entitled to payment under his contract
 for any vaccination in respect of which he shall have
 been paid by the parent or other person for whom or

No fee to be
 charged for
 certificate.

Sect. 22. on whom it is performed ; and if he should have
— received payment under his contract he shall not be
entitled to recover payment for the vaccination from
any other person.

Conversely, it is submitted that if the public vaccinator has received in his private capacity a fee for vaccinating a child he is not entitled to charge the guardians as if the case were done by him in his capacity of public vaccinator.

Parent, &c.
to transmit
certificate
of successful
vaccination
by medical
practitioner
to registrar
of district.

23.* Where the vaccination shall be successfully performed by a medical practitioner (a) not being a public vaccinator, the parent or other person as aforesaid causing the child to be vaccinated shall submit a certificate according to the said form marked D.(b) to such medical practitioner,(a) to be filled up and signed by him, and shall within twenty-one (c) days after the performance of the operation transmit the same so signed, by post or otherwise, to the registrar (d) of the district where the birth of such child was registered, or if such child shall not have been registered, or the district of the registration shall not be known to such parent or other person, to the registrar (d) of the district in which the operation shall have been performed.

* *This section was in effect repealed by section 17, Vaccination Act, 1871, being replaced by section 7 of that Act. See p. 88.*

(a) As to meaning of "medical practitioner," see section 35 and note thereon, *post*, p. 82.

(b) The form (E) now in use was prescribed by Art. 7 of the Vaccination Order, 1907, *post*, p. 212.

(c) This period is altered by section 7 of 34 & 35 Vict. c. 98, *post*, p. 88. The certificate must now be transmitted to the vaccination officer within seven days after it has been ascertained that the vaccination has been successfully performed.

(d) Now the vaccination officer. 34 & 35 Vict. c. 98, s. 6, *post*, p. 87.

Registrar to
keep books,¹
and register

24. Every registrar shall keep a book in which he shall enter minutes of the notices of vaccination (a)

given by him as herein required, and also register (b) Sect. 24.
 the certificates transmitted to him as herein provided,
 and shall at all reasonable times allow searches to be
 made therein, and upon demand give a copy under
 his hand or under that of his deputy of any entry in
 the same, on payment of a fee of sixpence for each
 search and threepence for each copy ; and every regis-
 trar shall receive a fee of one penny in respect of every
 child whose birth he shall have registered, and in
 respect of whom he shall give the notice as aforesaid
*[and another fee of threepence in respect of every such
 child whose certificate he shall have registered as herein
 provided, and he shall receive a fee of one penny in
 respect of each child whose certificate he shall have regis-
 tered without having registered the birth (c)]* : Provided
 that no fee shall be charged for any search made by
 a public vaccinator, or any officer of the guardians,
 authorized by them to make such search, or any
 inspector appointed by the Poor Law Board or the
 Lords of Her Majesty's Council.(d)

—
 of vaccina-
 tion to be
 open to
 searches.

Fees for
 searches
 and copies.

Proviso.

(a) See section 15, *ante*, p. 56, and Art. 30 (1) of the Vaccination Order, 1898. The form now in use is printed on p. 174.

(b) The forms and registers are supplied by the Registrar-General. See, however, section 6 of 34 & 35 Vict. c. 98, *post*, p. 87. Separate sheets are now supplied, and these, when bound, constitute the registers. See schedule 4 (4) of the Vaccination Order, 1898, *post*, p. 164. Certificates must now be sent to the vaccination officer and registered by him, and in view of s. 6, Vaccination Act, 1871, he should allow searches to be made in his registers and supply copies.

(c) The words in italics have been repealed and another fee provided. See 34 & 35 Vict. c. 98, ss. 8 and 17, *post*, pp. 90 and 98.

(d) Now the Local Government Board.

25. The registrar shall make out an account of the
 fees to which he shall be entitled under this Act at
 the usual quarter days of the year, and submit the
 same to the guardians of the union or parish for which

Registrar to
 be paid fees
 by the
 boards of
 guardians.

Sect. 25. he acts, and they shall, after examining the same and
 — comparing with the register of successful vaccinations kept by him (a) and finding the account to be correct, forthwith pay the amount of the same out of the funds (b) in their possession.

(a) The register of successful vaccinations is now kept by the vaccination officer. 34 & 35 Vict. c. 98, s. 6, *post*, p. 87. See also schedule 4 (4) of the Vaccination Order, 1898, *post*, p. 164.

(b) Under the 28 & 29 Vict. c. 79, s. 1, all charges incurred by the guardians in respect of vaccination and registration fees and expenses must be charged upon the common fund.

Vaccination declared to be not parochial relief so as to disqualify.

26. It is hereby declared, that the vaccination, or the surgical or medical assistance incident to the vaccination, of any person in a union or parish, heretofore or hereafter performed or rendered by a public vaccinator, shall not be considered to be parochial relief, alms, or charitable allowance to such person or his parent, and no such person or his parent shall by reason thereof be deprived of any right or privilege, or be subject to any disability or disqualification.

See note (d) to section 3, *ante*.

Half-yearly proceedings by registrars and guardians.

27. (a) *The registrar of each district shall, within one week after the first day of January and the first day of July in each year, make a list of all cases in which certificates of vaccination have not been duly received by him during the last preceding half-year, and shall submit the same to the next meeting of the guardians of the union or parish wherein he acts, and the said guardians shall forthwith make inquiry into the circumstances of the cases contained in the list, and if they find that the provisions of the Act have been neglected shall cause proceedings to be taken against the persons in default.*

(a) Repealed, and other provisions made. See 34 & 35 Vict. c. 98, ss. 5 and 8.

28. The guardians of any union or parish may Sect. 28.
 pay out of their funds all reasonable expenses in-
 curred by them in causing notices to be printed (a)
 and circulated as to the provisions of this Act, and
 in and about inquiries and reports as to the state of
 smallpox or vaccination in their union or parish, and
 in taking measures to prevent the spread of smallpox
 and to promote vaccination upon any actual or ex-
 pected outbreak of that disease therein, and may
 pay (b) any officer appointed by them to prosecute
 persons charged with offences against this Act, or
 otherwise to enforce its provisions.

—
 Power to
 guardians
 to pay
 certain
 expenses
 out of their
 funds.

(a) See section 13, *ante*, p. 55. Section 28 gives to boards of guardians very wide powers of making payments, not otherwise specially provided for, which may be rendered necessary on account of vaccination, or the presence or anticipated presence of smallpox within the union or parish for which they act.

(b) This section removed the difficulty formerly experienced in enforcing the provisions of the Vaccination Acts; the 24 & 25 Vict. c. 59 empowered the guardians to appoint an officer to conduct proceedings, but did not empower them to pay any salary or other remuneration to the person so appointed.

Under 34 & 35 Vict. c. 98, s. 5, it is obligatory upon the guardians to appoint and pay one or more vaccination officers to enforce the provisions of this Act. See also Arts. 10 to 15 of the Vaccination Order, 1898. Other duties of such officers are specially defined by section 6 of the Vaccination Act, 1871. See also Art. 25 of the Vaccination Order, 1898. The Local Government Board have the same power to make rules, orders, and regulations as regards vaccination officers and their duties as they have with respect to poor law officers. See the Vaccination Act, 1874, *post*, p. 101.

29. Every parent or person having the custody of
 a child who shall neglect [*to take such child or*] to
 cause it [*to be taken*] to be vaccinated, or after vac-
 cination to be inspected [*according to the provisions of*
this Act], and shall not render a reasonable excuse (a)
 for his neglect, shall be guilty of an offence, and be

Penalty on
 parent, &c.,
 neglecting
 to procure
 vaccination
 of the child.

Sect. 29. liable to be proceeded against summarily, (b) and upon
 — conviction to pay a penalty not exceeding twenty shillings.

Vaccination
 Act, 1898.

The words in italics were repealed by the Vaccination Act, 1898. By section 4 of that Act, "No proceedings under section 31 of the Vaccination Act, 1867, shall be taken against any parent or person who has been convicted under section 29 of the said Act on account of the same child until it has reached four years of age."

Under the Act of 1898 it is necessary in every case where proceedings are to be taken to enforce vaccination, to consider carefully whether those proceedings shall be taken under section 29 or section 31 of the Vaccination Act, 1867. If proceedings are taken under section 31, the Court will be able to make an order requiring the vaccination of the child, and if that order be disobeyed, further proceedings can then be taken for non-compliance with the order. In proceedings under section 29, the Court can only impose a penalty for neglect to cause the child to be vaccinated, or after vaccination, to be inspected. The initial procedure under section 29, however, is simpler than under section 31, as under the latter, before the vaccination officer is entitled to a summons, he must state that he has given notice to the parent or person having custody of the child, to procure its being vaccinated, and that this notice has been disregarded. Moreover, if proceedings are taken under section 29, further proceedings may be taken under section 31 after the child is four years old, if it has not then complied with the law. (See also notes to sections 3 and 4, Vaccination Act, 1898, p. 110, especially note (b).)

It is open to any person to lay an information under this section, but the proper person to take proceedings to secure compliance with the Vaccination Acts is the vaccination officer.

Vaccination
 officer,
 proof of
 authority.

It is not necessary that the guardians should give special authority to the vaccination officer in every individual case. In *Knight v. Halliwell*, 43 L. J. M. C. 113; 30 L. T. (N.S.) 359; 38 J. P. 470, it was proved by the production of the minute book of the board of guardians that the prosecuting officer had been duly appointed vaccination officer. BLACKBURN J. said: "I think the registrar was right to proceed in this case without further special instructions than those contained in the minutes." See also notes to section 31, and Art. 12 of the Vaccination Order, 1898, p. 137.

In *Moore v. Keyte*, (1902) 1 K. B. 768; 71 L. J. K. B. 454; 86 L. T. 532, 50 W. R. 457; 66 J. P. 499, it was decided that a vaccination officer is entitled to take proceedings under section 29 against a person in default, not only without the instructions of

the board of guardians by whom he is appointed, but even if the guardians expressly direct him not to prosecute in the particular case. The Court also held that it is not necessary that the vaccination officer should prove in the first instance, as part of his case, that the public vaccinator has, after giving to the parent of the child notice under section 1 of the Vaccination Act, 1898, visited the home of the child and offered to vaccinate the child. LORD ALVERSTONE L.C.J. said: "The statute imposes upon the officer the duty of going to the home of the child, and imposes on the parent the duty of causing his child to be vaccinated; and we are of opinion that it is not necessary to give this formal proof in every case, though upon the question of reasonable excuse it may be very material to consider whether there has or has not been a visit."

Note to
Sect. 29.

(a) Prior to the passing of the Vaccination Act, 1898, efforts were often made to include under the words "reasonable excuse" the conscientious objection to vaccination which some parents entertain. Provisions for relieving conscientious objectors to vaccination were contained in section 2 (1) of the Vaccination Act, 1898. That section is now repealed and is replaced by section 1 of the Vaccination Act, 1907, see p. 117. In *Moore v. Keyte* it was held that the question, what is a "reasonable excuse" is one for the decision of the justices who hear the case: see note above.

Conscientious objection.

(b) In consequence of section 11, Vaccination Act, 1871 (*post*, p. 92), proceedings under this section (29) must be taken within twelve months from the time when the matter of complaint arose. As to meaning of "matter of complaint," see note on p. 94.

Time for proceedings

In proceedings under section 29, it is not necessary that the case should be heard by the justice who issues the summons.

Issue of summons.

Prior to the 1st January, 1899, when the Vaccination Act, 1898, came into operation, a conviction under section 29 was not a bar to further proceedings under section 31. (*Mitchell v. Jennery*, Q. B. D., 16th December, 1882; not reported, but noted in *Stone's Justices' Manual*.) In *Black v. The Guardians of the Epping Union* (noted in 49 J. P. p. 19), it was decided that a person cannot be twice convicted under section 29 in respect of the same child. The court (GROVE, HAWKINS, and SMITH JJ.) held that after a conviction under section 29 the proper remedy against a recalcitrant parent was by proceeding under section 31. See, however, sections 3 and 4, Vaccination Act, 1898.

Repetition of proceedings.

30. Every public vaccinator, parent or person, as the case shall require, who shall neglect to transmit any certificate required of him by the provisions of

Penalty on vaccinator and parent neglecting to transmit

Sect. 30. this Act completely filled up and legibly written to the registrar (*a*) within the time herein specified, and every public vaccinator who shall refuse to deliver the duplicate to the parent or other person, on request, and every medical practitioner who shall refuse to fill up and sign the certificate (*b*) of successful vaccination when submitted to him as aforesaid, shall be liable to pay upon a summary conviction a penalty not exceeding twenty shillings; and every person who shall wilfully sign a false certificate or duplicate under this Act shall be guilty of a misdemeanor, and punishable accordingly.

—
certificate,
and persons
signing
false cer-
tificates.

(*a*) Now the vaccination officer. See 34 & 35 Vict. c. 98, ss. 6 and 7, *post*, pp. 87 and 88. Where the operation is performed by the public vaccinator, it is his duty to transmit the required certificate to the vaccination officer. Where, however, a private medical practitioner performs the operation, the duty devolves upon the parent or person in charge of the child. See also section 7, Vaccination Act, 1871, *post*, p. 88.

Certificate
of having
had small-
pox.

Where a child has had the smallpox it is not incumbent upon the parent to send to the vaccination officer a certificate to that effect (*Broadhead v. Holdsworth*, L. R. 2 Ex. D. 321; 46 L. J. M. C. 172; 36 L. T. (N.S.) 320), but provision for such a certificate is made in Form D in the second schedule to the Vaccination Order, 1907.

(*b*) See section 23, *ante*, p. 62, and section 7 of the Act of 1871, *post*, p. 88.

Justices
may make
an order
for the
vaccination
of any child
under 14
years.

31. If any registrar, (*a*) or any officer appointed (*b*) by the guardians to enforce the provisions of this Act, shall give information (*c*) in writing to a justice of the peace that he has reason to believe that any child under the age of fourteen years, being within the union or parish for which the informant acts, has not been successfully vaccinated, and that he has given notice (*d*) to the parent or person having the custody of such child to procure its being vaccinated, and that this notice has been disregarded, the justice (*e*) may summon (*e*) such parent or person to appear

with the child before him at a certain time and place, Sect. 31. and upon the appearance, (*f*) if the justice (*e*) shall find, after such examination as he shall deem necessary, that the child has not been vaccinated, nor has already had the smallpox, he may, if he see fit, (*g*) make an order (*h*) under his hand and seal (*i*) directing such child to be vaccinated within a certain time; and if at the expiration of such time the child shall not have been so vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom such order shall have been made shall be proceeded against summarily, and, unless he can show some reasonable ground (*k*) for his omission to carry the order into effect, shall be liable to a penalty not exceeding twenty shillings: (*l*)—

Penalty
for dis-
obedience.

Provided that if the justice shall be of opinion that the person is improperly brought before him, and shall refuse to make any order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider to be a fair compensation for his expenses and loss of time in attending before the justice.

Proviso
for costs to
person
improperly
summoned.

See also section 11, Vaccination Act, 1871, p. 92.

(*a*) The duty of prosecuting offenders is now, by section 6 of 34 & 35 Vict. c. 98, imposed upon the vaccination officer.

Vaccination
officer to
prosecute,
without
special
directions.

Under Art. 16 of the L. G. B. Order of 31st October, 1874, the guardians of every union were required to give directions to their vaccination officers authorizing them to institute and conduct such proceedings. For some time it was thought that a vaccination officer had no authority to institute proceedings, unless directions had been given to him under that order; and some observations of WRIGHT J., in *Robinson v. Lowe* (13 T. L. R. 19), gave colour to that view. The question was specially argued before the Q. B. D. in *Bramble v. Lowe*, (1897) 1 Q. B. 283, and it was held, by both WRIGHT and BRUCE JJ., that a vaccination officer is, without any special authority in that behalf from the guardians of the union for which he acts,

Note to
Sect. 31.

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Views of
Local
Government
Board.

May employ
solicitor.

Notice, form
and service
of.

empowered to take proceedings under section 31, Vaccination Act, 1867. WRIGHT J. said: "Even if it was necessary for the officer, in the present case, to get directions from the guardians, the general directions which were in fact given him, were, in my judgment, a valid authority to proceed. But, further, as I have already said, I do not think that he wanted any such directions. He may proceed under section 31 of his own motion."

For the views of the Local Government Board in regard to proceedings to enforce the Vaccination Acts, see their circular letter of the 21st October, 1898, *post*, p. 231.

A vaccination officer may employ a solicitor to assist him in conducting the proceedings in cases where he has reason to believe that he will have to meet serious opposition. See Art. 29 of the Vaccination Order, 1898, where provision is made for payment of the costs of legal assistance. See also the cases cited in the notes to that article, *post*, p. 144.

As to proceedings generally, see section 33, p. 79.

(b) See section 28, *ante*, and section 5 of 34 & 35 Vict. c. 98, *post*, p. 85.

(c) On the 17th September, 1901, the Local Government Board issued a circular in which they set out what the Law Officers of the Crown had advised them should be contained in the "information." The circular is printed on p. 237.

(d) The Act does not prescribe any particular form of notice (see *Tebb v. Jones*, 37 L. T. 576; 42 J. P. 55). The notice K appended to the Vaccination Order, 1898, will be sufficient for the purpose.

It was held by the Q. B. D. (WRIGHT and BRUCE JJ.), in *Holloway v. Coster*, (1897) 1 Q. B. 346, that "no particular mode of service of the notice is necessary." Per WRIGHT J.: "It is for the justices in each case to determine whether they are satisfied that it has reached the person to be notified. Here it was handed, with other notices of a similar nature, to a person whose profession it was to serve summonses; he took it to the appellant's house and left it there with a woman, but was unable to say whether she was the appellant's wife or was in charge of the house or whether the particular notice left referred to the particular child by name. On these facts it was for the justices to say whether they were satisfied that the notice reached a person, in such a relation to the appellant, that they could infer that he had in fact received notice." The justices made an order requiring the child to be vaccinated, and the appeal against the order was dismissed.

The circular of the Local Government Board referred to in note (c) above contains advice as to the service of the notice and as to the proof of the service and of the contents, see *post*, p. 240.

Section 11 of the Vaccination Act, 1871 (*post*, p. 92), provides

that no complaint may be made or information laid for an offence under the Vaccination Acts after the expiration of twelve months from the time when the matter of such complaint or information arose. COCKBURN C.J., in *Knight v. Halliwell*, 43 L. J. M. C. 113; 30 L. T. (N.S.) 359; 38 J. P. 470, said: "Although a notice once given still creates, as long as it is disregarded, a continuing cause of complaint, yet inasmuch as the statute says no complaint can be made subsequently to twelve months from the time when the matter of such complaint arose, it must be understood to limit proceedings upon this continuing cause to twelve months only from the first disobedience of the notice. . . . A fresh notice must be given every twelve months if the old one has been disregarded, and any number of complaints may be founded upon the fresh notice until twelve months have elapsed from the date upon which it required the vaccination to be completed."

Note to
Sect. 31.

Expiry of
notice.

In *Bowden v. Toll*, (1901) 85 L. T. 486; 50 W. R. 208; 66 J. P. 53, proceedings were taken against a parent under section 29 of the Vaccination Act, 1867, after due notice had been given to him to have his child vaccinated. The summons was dismissed. Afterwards a summons was issued against the parent under section 31, no fresh or further notice having been given to him. No notice had been given by the public vaccinator under section 1 (3) of the Vaccination Act, 1898, but he had visited the child's home in order to vaccinate the child.

Held, that the order could properly be made under section 31 of the Act of 1871. The omission of the public vaccinator to send the notice under 1 (3) of the Act of 1898 might be an answer to proceedings under section 29, but the statute of 1867 does not prevent the magistrate ordering the child to be vaccinated under section 31 because the public vaccinator for some reason has failed to conform with section 1 of the Vaccination Act, 1898.

Proceedings under section 31 may be taken with respect to any child who is not within the union or parish for which a vaccination officer acts, if either the child or its parent was within such union or parish at the time of the information being given by the vaccination officer. (Section 11, Vaccination Act, 1871.)

Non-resi-
dence of
child or
parent.

In *Reg. v. A Justice for the Cinque Ports* (L. R. 17 Q. B. D. 191; 50 J. P. 228), it was held that an order for the vaccination of a child may be made under section 31 on a parent duly summoned even when he has failed to appear on the summons. In his judgment MATTHEW J. said: "I have no doubt the justice had jurisdiction to make the order. . . . I think 'the appearance' in section 31 was meant to be 'appearance of the child'; but the court" (in *Dutton v. Atkins*, L. R. 6 Q. B. 373; 35 J. P. 358) "held that not to be necessary, and we must accept that decision as correct and binding on us. I think the object of the section was not appearance, but to direct the justices what they were to do if the parent appeared with the

Appearance
and non-
appearance
of parent
or child.

Note to Sect. 31. — child. And there was good reason, for that, because, on the appearance of the child, the Act empowers the justices to examine the child, which they otherwise would not have power to do. 'If the parent shall appear.' But what if he does not? I think the legislature provides for the case, for it incorporates all the sections of Jervis's Act, except section 11. That renders section 31 perfectly intelligible, for we must read into it the provisions of Jervis's Act, which point out what is to happen if the defendant does not appear." Section 13 of Jervis's Act (11 & 12 Viet. c. 43) provides that if it appear to the justice or justices that the summons was duly served upon the defendant, the justice or justices may either proceed to hear and determine the case in the absence of the defendant, or may issue his or their warrant for his apprehension.

Costs, how recovered. The justices may award costs against the defendant, and these may be recovered by distress and imprisonment. (11 & 12 Viet. c. 43, s. 18.)

Distress warrant. The application for a distress warrant is considered by the Local Government Board to be part of the proceedings which a vaccination officer is required to take under their order of 31st October, 1874. In the metropolis, however, fines recovered under the Vaccination Acts are paid into the exchequer (through the receiver of police), and the law officers of the Crown have advised that where penalties go to the Crown or to such an officer as the receiver of police, the Crown is entitled to apply for the enforcement of the penalty. See statement of Mr. Ritchie, M.P., in the House of Commons, *Times*, August 9, 1887; also 51 J. P. 547.

As to the method of applying for distress warrants for the recovery of penalties under the Vaccination Acts in the metropolis, see the circular letter issued by the Local Government Board on 26th March, 1902, *post*, p. 242.

In *Reg. v. Horniblow* and others (reported in the *Times* of June 28, 1897) the defendants pleaded guilty to a charge of "unlawful assembly." It appeared that certain warrants of distress had been issued by justices in consequence of some anti-vaccinationists resisting the payment of penalties for refusing to comply with the law. A number of police went to Charlbury with an auctioneer from Oxford to carry the warrants into effect. They were met by a band in uniform, which included several of the defendants. One of the defendants addressed the crowd that had assembled, declaring that they were martyrs of an unjust law and calling upon them not to bid. He then gave orders to the band to play, so that the auctioneer was prevented from proceeding with the auction. The case was tried at the Oxford assizes. The Judge pointed out that the law must be obeyed, but he took into consideration the defendants' expression of regret and promise to observe the

law in future. He bound them over in their own recognizances for £50 to come up for judgment when called upon.

Note to
Sect. 31.

Imprison-
ment in
default of
distress;

under
Vaccination
Act, 1898.

A person who is committed to prison in default of distress for non-payment of a sum of money adjudged to be paid by a court of summary jurisdiction on an information under section 31 of the Vaccination Act, 1867, was held to be a "criminal prisoner" within the meaning of the Prisons Act, 1865, section 5, and had to be treated as such while in prison. *Kennard v. Simmons*, 50 L. T. (N.S.) 28; 48 J. P. 551; 15 Cox C. C. 397. In *Reg. v. Burrows* (61 J. P. 724) it was argued that the costs which had been ordered to be paid by defendant upon an order for vaccination under section 31 could only be recovered as a civil debt under section 6, Summary Jurisdiction Act, 1879. The Court (LAWRANCE and COLLINS JJ.) held, however, that payment might be enforced by distress, and imprisonment in default of distress. Now, by section 5, Vaccination Act, 1898, persons committed to prison on account of non-compliance with any order or non-payment of fines or costs under the Vaccination Acts, will be treated in the same way as first-class misdemeanants.

Provisions are contained in section 6 of the Prison Act, 1898, with regard to the divisions of prisoners, and by sub-section 5 of that section references in sections 40 and 41 of the Prison Act, 1877, to a misdemeanant of the first division within the meaning of section 67 of the Prison Act, 1865, are to be construed as references to an offender of the first division within the meaning of section 6 of the Prison Act, 1898. The result would appear to be that persons committed for being in default under the Vaccination Acts will be placed in a separate division, like persons in default in payment of a debt, that they will not be placed in association with criminal prisoners, nor be compelled to wear prison dress unless their own clothing is unfit for use.

(e) The justice who signed the summons need not be one of the justices hearing the summons, nor need he sign the order made at the hearing: *Southcombe v. Yeovil*, (1897) 1 Q. B. 343. Signature to summons and order.

(f) For penalty for failing to produce the child, see sect. 11, Vaccination Act, 1871, p. 92.

(g) On the 28th June, 1877, the then Attorney-General was asked in the House of Commons whether it is discretionary with the justice, under the words "he may if he see fit," to refuse to make the order to vaccinate. The Attorney-General replied: "In my view a magistrate who acts under the 31st section of the Vaccination Act, 1867, acts judicially, and may make an order or not, as he pleases. In this sense he has a discretion; but I consider that a magistrate who, after it has been clearly proved before him that a child has not been vaccinated, and that there is no reason why the operation should Justices' discretion.

Note to
Sect. 31.

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not be performed, should exercise his discretion by declining to make an order for vaccination, would disregard his duty, just as much as another magistrate would disregard his who, after the commission of an offence has been clearly established by evidence, should exercise his discretion by declining to convict the offender. In conclusion, I beg to refer my hon. and learned friend to an authority bearing on this question, namely, *Morisse v. The Royal British Bank*, reported in the 26th volume of the *Law Journal*." (*Local Government Chronicle*, 7th July, 1877, p. 533.)

Enforce-
ment of
order.

(h) It was held, in *Reg. v. Brocklehurst*, (1892) 1 Q. B. 491, that where an order under section 31 has been made for the vaccination of a child, summary proceedings for the enforcement of the order may be taken by the vaccination officer without obtaining special directions from the guardians to do so.

No second
fine.

In *Reg. v. Portsmouth JJ.*, (1892) 1 Q. B. 491, it was decided that if a person has been fined, under section 31, for disobedience to an order for the vaccination of a child, he cannot be fined a second time for disobedience to the same order; and under section 3, Vaccination Act, 1898, an order under section 31, Vaccination Act, 1867, directing that a child be vaccinated, cannot be made on any person who has previously been convicted of non-compliance with a similar order relating to the same child. But where an order has been made under section 31, directing the vaccination of a child, a second order for the vaccination of the same child may be made after a summons for penalties for non-compliance with the first order has been dismissed. (*Reg. v. Trafford*, reported in *Local Government Chronicle*, 1900, p. 224.)

Seal.

(i) An order under section 31 was made by justices, drawn up and signed by one of them, but not sealed. Upon the hearing of an information for disobedience to the order objection was taken that the order was null, not being under the hand and seal of a justice, as required by section 31. The hearing was adjourned and subsequently the summons was withdrawn, but an order under the hand and seal of two of the justices sitting at the Court when the first order was made, was drawn up and dated 25th June, 1902. Later, a fresh information was preferred against the parent for not obeying the order of the 25th June, and a fresh summons was issued for disobeying the order of the original date. Held, that the order of 25th June was invalid, and the original order not being such as the Act made necessary, there was no order for disobedience to which the appellant could be proceeded against. *Nutter v. Moorhouse*, (1904) 68 J. P. 134; 2 L. G. R. 1204.

No oppor-
tunity for
vaccination.

(k) See note (b) to section 29. In *Francis v. Smith*, 58 J. P. 429, it was held to be no defence to an order to vaccinate a child that there had been no attendances of the public vaccinator

Note to
Sect. 31.

since the order was made. The child might have been vaccinated at his previous attendances. Under the Vaccination Act, 1898, the difficulty cannot arise in the same form as in *Francis v. Smith*. Now the parent is entitled to require the attendance of the public vaccinator at the child's home to vaccinate the child. If the public vaccinator failed to attend, that might be a "reasonable excuse" for the parent if he were prosecuted. (See also per LORD ALVERSTONE L.C.J. in *Moore v. Keyte*, (1902) 1 K. B. on p. 774.) If, however, the public vaccinator attended at the parent's request, but found that there was no person in the house, or that the child was not at home, it is submitted that he would not be bound to attend again even if requested, and that the parent could not plead as a reasonable excuse the failure of the public vaccinator to attend in the latter case.

In order to avoid such contingencies as those last above mentioned it is desirable that an arrangement should be made between parent and public vaccinator as to the hour at which the latter should call at the child's home for the purpose of vaccinating the child.

It devolves upon the prosecution to prove disobedience to the order. In *Ozer v. Harwood*, (1900) 1 Q. B. 803; 69 L. J. Q. B. 272; 48 W. R. 608; 16 T. L. R. 163; 64 J. P. 327; the vaccination officer deposed that he had not received any certificate of successful vaccination of the child in question, nor any certificate that the child was unfit to be vaccinated, nor to be insusceptible of vaccination, and he produced the register of vaccinations kept by him. No evidence was given on behalf of the parent nor any other evidence on behalf of the prosecution. For the parent it was submitted that the evidence given by the prosecution was not sufficient proof of disobedience to the order which had been made under section 31. The justices, however, convicted the parent, and the conviction was upheld on appeal. In his judgment CHANNELL J. said that very generally there was no way of proving a negative except by a presumption. In the present case there was machinery whereby, if a child is vaccinated, the fact had to be notified. If there was no notification, some one had omitted to do his duty. The fact therefore that there was no notification was *prima facie* evidence of the negative proposition that the child was not vaccinated. The justices might have refused to be satisfied with the presumption arising on the vaccination officer's evidence and might have required further evidence. But the Court could not interfere with their decision on that matter.

Disobedience
of the order.

In *Rutter v. Norton*, 57 J. P. 8, an action for malicious prosecution was brought against a board of guardians who refused to hear plaintiff's views as to vaccination, and who prosecuted him for not causing his child to be vaccinated. The action failed.

Refusal to
hear parent.

Note to
Sect. 31.

Certificate
under sec-
tion 34 no
answer.

(1) In *Allen v. Worthy*, L. R. 5 Q. B. 163; 34 J. P. 263; 39 L. J. M. C. 36; 21 L. T. (N.S.) 665, it was held (COCKBURN C.J. and MELLOR and HANNEN JJ.) that a certificate under section 34 is no answer to proceedings under section 31. COCKBURN C.J. said: "The offence under section 31 is that of disobeying the order of the justice. The offence to which a certificate is an answer under section 34 is that of neglecting to procure the vaccination of the child. That shows that what is enacted in section 34 has reference to sections 15, 16, and 29, and not to section 31. . . . It is for the justice, in determining whether an order shall be made under section 31, to consider the effect of any certificate, and if he is satisfied that the certificate is not one on which he ought to act, it is perfectly competent for him to refuse to be guided by it."

Change of
the law.

By sections 3 and 4 of the Vaccination Act, 1898, an order under section 31 of the Vaccination Act, 1867, directing that a child be vaccinated, cannot be made on any person who has previously been convicted of non-compliance with a similar order relating to the same child; and no proceedings under that section may be taken against any parent or person who has been convicted under section 29 on account of the same child, until it has reached the age of four years.

Penalty
upon per-
sons inocu-
lating with
smallpox.

32. Any person who shall *after the passing of this Act* produce or attempt to produce in any person by inoculation with variolous matter, or by wilful exposure (*a*) to variolous matter, or to any matter, article, or thing impregnated with variolous matter, or wilfully by any other means whatsoever produce the disease of smallpox in any person, shall be guilty of an offence, and shall be liable to be proceeded against summarily, and upon conviction to be imprisoned (*b*) for any term not exceeding one month.

The words in italics were repealed by the Statute Law Revision (No. 2) Act, 1893.

(*a*) As to "wilful exposure," see *Tunbridge Wells Local Board v. Bisshop*. (L. R. 2 C. P. D. 187.) A medical man in practice in Tunbridge sent a patient who was suffering from scarlet fever to the fever hospital there with a certificate, directing him to walk in the middle of the road, and not to talk to any one, but, in consequence of an alleged informality in the certificate, the patient was refused admission; whereupon the medical man walked with him through the streets of the town

Note to
Sect. 32.

to the residence of the chairman of the local board, from whom after some delay he obtained an order for the man's admission to the hospital. He then returned with the patient to the police station to procure the ambulance to convey him thither. Upon an information against the medical man for an alleged infringement of the statute (Public Health Act, 1875), the justices were of opinion that it was not proved before them that the medical man had charge of the patient, that he had not wilfully exposed the patient in any street without proper precaution, and that he had made the best use of the means at his disposal to prevent the spread of the fever, and they refused to convict him. The court (GROVE and DENMAN JJ.) held that their decision was right; DENMAN J. remarking that he entirely agreed with their finding, and that he doubted whether any question of law was involved in the case at all.

(b) The court may now under section 4, Summary Jurisdiction Act, 1879, impose a fine instead of imprisonment.

This section (32) is intended to prevent the wilful production of smallpox, a practice which is not now likely to seriously prevail in England. Formerly, before vaccination came into fashion, it was usual to cause persons to be inoculated with the eruptive matter of smallpox in order that the disease, which was considered almost inevitable at some period of life, might be produced and run its course in favourable circumstances. Even then it was an indictable offence to inoculate incautiously and in a way likely to affect the health of the public. In *Rex v. Burnett* (4 M. & S. 272), LE BLANC J., in passing sentence, said that "the introduction of vaccination did not render the practice of inoculation for smallpox unlawful, but that in all times it was unlawful and an indictable offence to expose persons infected with contagious disorders, and therefore liable to communicate them to the public, in a public place of resort." In *Rex v. Vantundillo* (4 M. & S. 73), the defendant was indicted for causing patients inoculated with the smallpox to be brought to his surgery while infected with the disease.

The practice of smallpox inoculation fell into disuse when the merits of vaccination became known, and it was first made an offence punishable by imprisonment by section 8 of the (repealed) Vaccination Act, 1840.

The following enactments relating to the exposure of infected persons and things are contained in the Public Health Act, 1875 (38 & 39 Vict. c. 55).

Penalty on Exposure of Infected Persons and Things.

Sec. 126.—Any person who (1) while suffering from any dangerous infectious disorder, wilfully exposes himself without proper precautions against spreading the said disorder in any street, public place, shop, inn, or public conveyance, or enters

Note to Sect. 32. — any public conveyance without previously notifying to the owner, conductor, or driver thereof, that he is so suffering; or (2) being in charge of any person so suffering so exposes such sufferer (a); or (3) gives, lends, sells, transmits, or exposes without previous disinfection any bedding, clothing, rags, or other things which have been exposed to infection from any such disorder, shall be liable to a penalty not exceeding five pounds; and a person who, while suffering from any such disorder, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the court to pay such owner and driver the amount of any loss and expense they may incur in carrying into effect the provisions of this Act with respect to disinfection of the conveyance. Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags, or other things for the purpose of having the same disinfected.

Penalty on Failing to Provide for Disinfection of Public Conveyance.

Sec. 127.—Every owner or driver of a public conveyance shall immediately provide for the disinfection of such conveyance after it has, to his knowledge, conveyed any person suffering from a dangerous infectious disorder; and if he fails to do so, he shall be liable to a penalty not exceeding five pounds; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

Penalty on Letting Houses in which Infected Persons have been Lodging.

Sec. 128.—Any person who knowingly lets for hire any house, room, or part of a house in which any person has been suffering from any dangerous infectious disorder, without having such house, room, or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, shall be liable to a penalty not exceeding twenty pounds. For the purposes of this section, the keeper of an inn shall be deemed to let for hire part of a house to any person admitted as a guest into such inn.

(a) *Or causes or permits such sufferer to be so exposed.* These words may be added to section 126 under section 62 of the Public Health Acts Amendment Act, 1907, in districts where section 62 has been adopted by the local authority and put into operation by the Local Government Board.

Penalty on Persons Letting Houses making False Statements as to Infectious Disease.

Note to Sect. 32.

Sec. 129.—Any person letting for hire, or showing for the purpose of letting for hire any house or part of a house, who on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there being, or within six weeks previously having been therein, any person suffering from any dangerous infectious disorder, knowingly makes a false answer to such question, shall be liable, at the discretion of the court, to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for a period not exceeding one month.

Important provisions on the subject are also contained in the Infectious Disease (Prevention) Act, 1890, which, however, is only in force in those sanitary districts outside the metropolis which have specially adopted it or part of it.

See also the Public Health Acts Amendment Act, 1907, which is adoptive by local authorities and also requires an order of the Local Government Board to put it into operation.

For other provisions relating to infectious diseases, removal to hospital, and disinfection, see *Lumley's Public Health Acts*, 6th edition.

It must be remembered that the Public Health Act, 1875, does not apply to the metropolis. Provisions somewhat similar to those in the Public Health Act are contained in the Public Health (London) Act, 1891. See secs. 63, 64, 68 and 70, and others.

33. The statute of the eleventh and twelfth Victoria, chapter forty-three, except section eleven, (a) shall apply to all proceedings to be taken under this Act; and the justices for the county, city, borough, or other place where the offence shall have been committed shall have jurisdiction to hear and determine the complaint, and where a union or parish shall be comprised in several jurisdictions the complaint as to any matter arising in such union or parish may be heard and determined in any one of such jurisdictions; and all prosecutions undertaken by the guardians or their officers or any registrar under this Act shall be deemed to be within the

11 & 12 Vict.
c. 43, except
sect. 11;
s. 59 of
7 & 8 Vict.
c. 101,
and s. 9 of
28 & 29 Vict.
c. 79, to
apply to
these pro-
ceedings.

Sect. 33. operation of the seventh and eighth Victoria, chapter — one hundred and one, section fifty-nine, (b) and the Union Chargeability Act of 1865, section nine. (c)

(a) Sec 34 & 35 Viet. c. 98, s. 11, *post*, p. 92, as to the time within which proceedings must be commenced.

The Summary Jurisdiction Act, 1879 (42 & 43 Viet. c. 49), must by section 54 of that Act be construed as one with the 11 & 12 Viet. c. 43. Proceedings under both these Acts are affected by the Summary Jurisdiction Act, 1884 (47 & 48 Viet. c. 43). For full information as to procedure, see *The Summary Jurisdiction Acts* (Gill and Douglas).

The following note is taken from *Stone's Justices' Manual*:—
“A justice is not disqualified because he happens to be an elected guardian of the poor for the parish. [*R. v. Field, JJ. Reigate, Q. B. D.*, June, 1883, noted in the *Times*.]”

Costs, pay-
ment of;

(b) The 7 & 8 Viet. c. 101, s. 59, enacts that it shall be lawful for any board of guardians or district board to pay out of the funds in their hands the reasonable costs of the apprehension and of the prosecution of any person who, according to the laws in force at the time being, is charged with refusing or neglecting to maintain himself or his family, or with running away and leaving his family chargeable, or whereby such family has become chargeable, or with wilfully neglecting or disobeying the rules, orders, and regulations of the Poor Law Commissioners, or with any offence or misbehaviour in any workhouse, or with deserting or running away from any workhouse and carrying away clothes, linen, or other goods or things belonging to any workhouse, or given or procured, or provided as or for relief, or with neglect or disobedience of the reasonable and lawful orders of justices or guardians, or of any district board, in the administration of the laws relating to the relief of the poor, or with obstructing or assaulting any officer engaged in the administration of the laws for the relief of the poor, or with fraudulently obtaining, stealing, purloining, embezzling, wasting, or injuring or wilfully misapplying any property applicable to or connected with the relief of the poor, or with any offence directly affecting the administration of the laws for the relief of the poor, and the reasonable costs of apprehending and prosecuting any officer who may have been employed in the administration of the laws for the relief of the poor, for any neglect or breach of any duty of his office, or for any maltreatment or abuse of any poor person, and, subject to the approval of the said commissioners, every board of guardians or district board shall pay the costs of all legal proceedings taken by any auditor, or under his direction, for the protection of the poor rates or property of any parish, union, or district, or taken by any other person whom the board

of guardians or district board have authorized or directed to institute such prosecution or legal proceedings, and to the extent to which any such costs may not be repaid by the offending or other party, or from the county, liberty, or borough rates, the guardians of any union then may, in any of the cases aforesaid, having due regard to the circumstances of the case, and subject to the approval of the Poor Law Commissioners (see section 9, Union Chargeability Act), charge such expenses either to the common funds of the union or to any parish or parishes comprised therein, and the district board of any district may, having like regard to the circumstances of the case, and subject to the like approval of the Poor Law Commissioners (see section 9, Union Chargeability Act), charge such expenses either to the funds of the whole of such district, or on any one or more of the unions and parishes comprised therein.

Note to
Sect. 33.

Out of com-
mon fund.

(c) This section enacts that the costs and expenses lawfully incurred in and about the prosecution of any person for which the guardians of the union may be liable, or which they undertake to pay, under the fifty-ninth section of the seventh and eighth Victoria, chapter one hundred and one, shall in all cases be charged to the common fund.

34. In any prosecution for neglect to procure the vaccination of a child, it shall not be necessary in support thereof to prove that the defendant had received notice (a) from the registrar or any other officer of the requirements of the law in this respect ; but if the defendant produce any such certificate as hereinbefore described, or the register of vaccinations kept by the registrar (b) as hereinbefore provided, in which the certificate of successful vaccination of such child shall be duly entered, the same shall be a sufficient defence for him, except in regard to the certificate (c) marked B., when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.

Notice not
to be proved
by prosecu-
tors. Certi-
ficates to be
defence.

(a) See section 15, *ante*, p. 56. The prosecution referred to in section 34 appears to be one taken under section 29 of the Act. The exemption from proving notice here provided for does not appear to extend to the notice required to be given before proceedings are taken under section 31.

Note to Sect. 34. (b) The register is now kept by the vaccination officer, see note to section 25, *ante*, p. 64.

— (c) See note (c) to section 18, *ante*, p. 59. A certificate in the form B. is no answer to proceedings under section 31. "Section 34 applies only to cases which come within sections 15, 16, and 29. . . . If we look at the form of the certificates given in the schedule to the Act, we find that they apply to the provisions in sections 15, 16, and 29." . . . "All these certificates are a bar to the proceedings under the earlier sections, but they have no application to a case under section 31." (Per MELLOR J. in *Allen v. Worthy*, L. R. 5 Q. B. 163.)

A certificate from a medical practitioner that a child eleven months old was, on the day before the hearing of a summons under s. 29, suffering from diseases which made it unsafe to vaccinate him at that time, was no defence under s. 34. Per LORD ALVERSTONE L.C.J.: "There was nothing in the certificate to show that the child could not have been vaccinated before it was six months old. If the certificate had covered the period during which the child ought to have been vaccinated, it might have furnished a good defence." (*Hinds v. Elsam* (1903), 88 L. T. 867; 66 J. P. 328.)

Interpreta-
tion of
terms.

35. The word "Parent" (a) shall include the father and mother of a legitimate child and the mother of an illegitimate child; "Medical Practitioner" (b) shall mean a registered medical practitioner; and the several words herein contained shall be construed, except where any inconsistency would ensue from such construction, in the same manner as in the several Acts for the Amendment of the Law for the Relief of the Poor. (c)

(a) The meaning of the word "parent" is extended by section 4 of the Vaccination Act, 1871, *post*, p. 85.

(b) The medical practitioner must be a registered medical practitioner. See *ante*, p. 46. It has been held that a practitioner who has a foreign professional qualification (such qualification not being registerable under the Medical Acts) is not a medical practitioner within the meaning of the Vaccination Acts. (*Cromack v. Brenmand*, 37 J. P. 276.) Since 30th June, 1887, certain foreign and colonial diplomas, specified from time to time by the general council of medical education, &c., in this country, may under certain conditions

be registered under the Medical Acts. (Medical Act, 1886, sections 11—18.) Note to Sect. 35.

(e) See 4 & 5 Will. 4, c. 76, s. 109; 5 & 6 Vict. c. 57, s. 18; and 7 & 8 Vict. c. 101, s. 74. —

36. *The seventh section of the Public Health Act, 1858, shall apply to all the proceedings and acts of the Lords of her Majesty's Council herein authorized.* Sect. 7 of 21 & 22 Vict. c. 97, to apply to acts of Privy Council.

This section was repealed by the Statute Law Revision Act, 1875.

37. This Act [*shall come into operation on the first day of January next, and*] may be cited as “The Vaccination Act [*of*] 1867.” Commencement of Act. Short title.

The words in italics were repealed by the Statute Law Revision (No. 2) Act, 1893.

SCHEDULE.

[Under the power conferred by section 15 of the Vaccination Act, 1871 (post, p. 98) the Schedule of Forms which was appended to the Vaccination Act, 1867, was superseded by the forms contained in the order of the Local Government Board, dated 30th November, 1871. That order was repealed by the Vaccination Order, 1898. The forms now in use are settled by the Vaccination Order, 1907. See p. 213.]

THE VACCINATION ACT, 1871.

34 & 35 VICT. CAP. 98.

An Act to Amend the Vaccination Act, 1867.

[21st August, 1871.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

The preamble was repealed by the Statute Law Revision (No. 2) Act, 1893.

Preliminary.

Sect. 1.

—
Short title.

1. This Act may be cited as "The Vaccination Act, 1871."

Commence-
ment of Act.

2. *This Act, except as hereinafter expressly provided, and except so far as relates to the formation of any districts, or the making of any rules, orders, or regulations, shall come into operation on the first day of January, One thousand eight hundred and seventy-two, which day is in this Act referred to as the commencement of this Act.*

This section was repealed by the Statute Law Revision (No. 2) Act, 1893.

3. This Act shall be construed as one with the Sect. 3.
Vaccination Act of 1867, (a) in this Act referred to as —
Construc-
tion of Act.
the principal Act, and those Acts and this Act may
be cited together as “The Vaccination Acts, 1867
and 1871.”

(a) See *ante*, p. 43.

4. In this Act the term “parent” (a) includes any Definition of
“parent.”
person having the custody of a child.

(a) See also section 35, Vaccination Act, 1867, *ante*, p. 82,
and the note (a) to section 1, Vaccination Act, 1907, p. 118.

Vaccination Officer.

5. Whereas under the principal Act the guardians Appoint-
ment of
vaccination
officer.
of any union or parish may (a) pay any officer ap-
pointed by them to prosecute persons charged with
offences against that Act or otherwise to enforce its
provisions, and it is expedient to render obligatory
the appointment of such an officer: Be it enacted that
the guardians of every union and parish shall (d)
appoint and pay one or more of such officers (in this
Act referred to as “vaccination officers”).

The provisions of the principal Act with respect to
the division of unions and parishes (b) into vaccination
districts shall extend to authorize the division of such
unions or parishes into districts for the purpose of the
duties of vaccination officers, so however that a dis-
trict of one vaccination officer shall (unless the Poor
Law Board (c) otherwise direct) coincide either with
a vaccination district or districts under the principal
Act or with a district or districts of a registrar of
births and deaths.

Subject to the provisions of this Act, the Poor Law

Sect. 5. Board (c) shall have the same powers with respect to — guardians and vaccination officers (d) in matters relating to vaccination as they have with respect to guardians and officers of guardians in matters relating to the relief of the poor, and may make rules, orders, and regulations accordingly, and all enactments relating to such powers, (e) and to such orders, rules, and regulations, shall apply *mutatis mutandis*; and the Poor Law Board (c) shall also from time to time frame, provide, and distribute appropriate books and forms for the use of vaccination officers, public vaccinators, and medical practitioners under the principal Act and this Act. (f)

(a) See 30 & 31 Vict. c. 84, s. 28, *ante*, p. 65. A vaccination officer is entitled to superannuation on the terms and conditions set out in the Poor Law Officers' Superannuation Act, 1896.

(b) See 30 & 31 Viet. c. 84, s. 2, *ante*, p. 44.

(c) Now the Local Government Board. (See section 16, *post*, p. 98.) It is the practice of that Board to require the district assigned to a vaccination officer to coincide with one or more registration sub-districts.

Power to
Local
Government
Board to
appoint
officers
generally.

(d) Section 7 of 31 & 32 Viet. c. 122 (Poor Law Amendment Act, 1868), provides as follows:—

“In case the board of guardians fail for twenty-eight days after receipt of a requisition of the Poor Law Board” (now Local Government Board) “in that behalf to appoint, either originally or on a vacancy, any officer whom they shall be lawfully required to appoint, the *Poor Law* Board may, at any time after the expiration of the said term of twenty-eight days, if they think fit, by order under their seal, appoint a fit person to be such officer, and determine the salary or remuneration to be paid to him by such guardians; and the person so appointed shall recover such salary or remuneration by action in a county or other court of law against such guardians, and shall have all the same powers, rights, and privileges, and shall discharge all the same duties, and incur the same responsibilities, as if the appointment had been duly made by the said guardians.”

Mandamus
against
guardians.

This section gives the Local Government Board power to appoint a vaccination officer if a board of guardians refuse to do so. Notwithstanding this power, however, it is the duty of the guardians to appoint such an officer, and if they refuse

to do so a mandamus may be obtained to compel them. In *Reg. v. Kettering* a rule *nisi* was obtained for a mandamus to compel guardians to appoint a vaccination officer, but further proceedings were not necessary as the guardians then made the appointment: see also the cases cited on p. 138.

Note to
Sect. 5.

As regards the appointment by the Local Government Board of officers in the metropolis in default of appointment by guardians, see section 80 of the Metropolitan Poor Act, 1867.

In metro-
polis.

(e) In consequence of doubts arising as to the extent of the powers conferred upon the Local Government Board under this section, the Vaccination Act, 1874, was passed; see *post*, p. 100. In pursuance of the additional powers given by the latter Act, the Local Government Board, on the 31st October, 1874, issued an order relating to the appointment, remuneration, and duties of vaccination officers. That order is now superseded by the Vaccination Orders, 1898 and 1907.

(f) The forms now in use were prescribed by the Vaccination Orders 1898 and 1907, issued by the Local Government Board. See pp. 147 and 211.

6. The vaccination officer shall perform all the duties imposed by the principal Act on the registrar of births and deaths, (a) except the duty of giving the notices mentioned in section fifteen of the principal Act, (b) and the principal Act shall be construed as if the words "vaccination officer" were substituted for the words "registrar of births and deaths" throughout that Act, except section fifteen and any other part of that Act relating to that section, and except that all fees received by the vaccination officer as such shall be accounted for to the guardians and paid to the fund out of which the expenses of the guardians under the principal Act are paid. (c)

Duties of
vaccination
officer.

(a) See sections 24, 25, *ante*, pp. 62 and 63.

(b) See section 15, *ante*, p. 56, and Art. 30 (1) of the Vaccination Order, 1898, *post*, p. 147. The notice referred to is the notice of requirement of vaccination given to parents at the time they register the births of their children, a form of which will be found on p. 174.

**Note to
Sect. 6.**

(c) See 28 & 29 Vict. c. 79, s. 1, and Art. 29 (1) of the Vaccination Order, 1898, *post*, p. 144. Under the former the expenses of the guardians under the principal Act are payable out of their common fund.

Transmis-
sion of certi-
ficates to
vaccination
officer.

7. Every certificate of a child being unfit for or insusceptible of successful vaccination (*a*) if given by a public vaccinator shall, instead of being delivered by him to the parent, be transmitted by such public vaccinator, and if given by any other medical practitioner (*b*) shall be transmitted by the parent of such child, to the vaccination officer, in like manner as if it was a certificate of successful vaccination, and within seven days after the examination of the child upon which such certificate is founded, and the public vaccinator shall, upon request, and without fee or charge, deliver to the parent a duplicate (*c*) of any such certificate transmitted by him.

Every certificate of successful vaccination (*d*) shall be transmitted within seven days after it is ascertained that the operation has been successfully performed ; and where a medical practitioner (*b*) who is not a public vaccinator inspects a child to ascertain the result of the operation of vaccination, such medical practitioner, (*b*) as soon as he has ascertained that the operation has been successfully performed, shall deliver to the parent causing the child to be vaccinated a certificate of successful vaccination, in the proper form, and duly filled up and signed by him. (*e*)

Every person who acts in contravention of or fails to comply with any provision of this section shall be liable on summary conviction to a penalty not exceeding twenty shillings ; (*f*) and every person who wilfully signs a false certificate or duplicate under

this section shall be guilty of a misdemeanor, and Sect. 7.
be liable to fine or to imprisonment, with or with-
out hard labour, for a period not exceeding two
years.(g)

No fee shall be payable for the registration of any
certificate of vaccination under the principal Act or
this Act.

(a) See sections 18, 19, 20, *ante*, pp. 59 and 60. The form of certificate issued under section 20 of that Act provides alternatively for a case where a child is insusceptible on the ground that it has been not less than three times unsuccessfully vaccinated, and a case where the insusceptibility arises from the fact that the child has already had smallpox. In the former case the certificate must be sent to the vaccination officer; in the latter (where the child has had smallpox) the sending of the certificate is not legally necessary, though it is very desirable. In *Broadhead v. Holdsworth* (L. R. 2 Ex. D. 321; 46 L. J. M. C. 172; 36 L. T. (N.S.) 320), it was held that a parent to whom a certificate that the child had already had smallpox was given, and who failed to forward it to the vaccination officer, was not liable under section 7. CLEASBY B. remarked: "It seems to me that the legislation on this point is imperfect, and that this is a *casus omissus* which we cannot supply in an enactment creating an offence. . . . There must be a certificate in one form or the other, either that the child is insusceptible of successful vaccination by reason of not less than three trials having been made to vaccinate it, or else that the child has had the smallpox. The latter certificate, which rightly omits the insusceptibility to vaccination, we are asked to include in the 7th section by extending its construction. The respondent has not such a certificate as that mentioned in section 7, but something quite different, and that being so he cannot be punished for not transmitting that which he has not."

(b) As to meaning of "medical practitioner," see section 35 and note thereon, *ante*, p. 82.

(c) Forms of duplicate certificate of successful vaccination are supplied by the Local Government Board to vaccination officers for distribution to public vaccinators.

(d) This supersedes part of section 23, *ante*, p. 62.

(e) If the vaccination is performed by an unqualified medical practitioner, a certificate of vaccination given by him will not protect the parent of a child who obtains such certificate, from being liable to prosecution. In any such case the parent

**Note to
Sect. 7.**

should obtain a certificate under section 12 (*post*, p. 96) from the public vaccinator of the district in which the child resides. The certificate must be paid for by the parent.

(*f*) See section 33, Vaccination Act, 1867, *ante*, p. 79.

(*g*) See, also, section 40, Medical Act, 1858, which provides a penalty in cases where persons wilfully and falsely pretend to be registered medical practitioners.

Transmis-
sion to
vaccination
officer of
list of births
and deaths.

8. Every registrar of births and deaths for any place shall, once at least in every month, transmit, by post or otherwise, to each vaccination officer whose district is wholly or partly comprised in such place, a return, (*a*) certified under the hand of the registrar to be a true return, of all births and of all deaths of infants under twelve months of age which have, since the date of the last return [*or in the case of the first return, since the passing of this Act*], been registered by such registrar as having occurred in the district of the vaccination officer to whom the return is sent.

The registrar shall, whether he is or is not also the vaccination officer, be entitled to a fee of twopence for every birth or death entered in such return ; and such fee shall be paid to him out of the same funds and by the same persons, and in the like manner as the fees for giving the notices under section fifteen of the principal Act. (*b*)

The returns under this section shall be made in such form and contain such particulars as may be from time to time prescribed by the Registrar-General of Births and Deaths in England, with the approval of the Poor Law Board ; (*c*) and forms necessary for such purpose and for the purpose of the principal Act shall be supplied by the said Registrar-General (*d*) to every registrar of births and deaths.

The words in *italics* were repealed by the Statute Law Revision (No. 2) Act, 1893.

Note to
Sect 8.

(a) This return is in lieu of that formerly required to be made under section 27 of the Vaccination Act, 1867, *ante*, p. 64. For information as to what is to be done with the returns when received by the vaccination officer, see section 2 of the Fourth Schedule to the Vaccination Order, 1898, *post*, p. 163.

(b) *Ante*, p. 56. See also section 25, p. 63.

(c) Now the Local Government Board.

(d) The Registrar-General also supplies the "notice of requirement of vaccination," to which is appended forms for certificates B, C, D, and E (see Vaccination Order (No. II.), 1907, p. 174). The forms of certificates for the use of public vaccinators and medical practitioners, and the forms of notices for the use of vaccination officers, are separately supplied by the Local Government Board, pursuant to section 5, *ante*, p. 86.

9. Where the operation of re-vaccinating any person is performed on the application of such person by the public vaccinator without charge to such person, (a) the public vaccinator shall deliver to such person a notice requiring him to attend at the same place on the same day in the following week, in order that he may be inspected and the result of the operation ascertained, and stating that in default he will be liable as in this section mentioned, and the public vaccinator, if required, shall deliver to the person re-vaccinated a certificate of the result of the operation of re-vaccination; and if such person fail to comply with such notice or to permit the public vaccinator or his deputy to ascertain the result of the operation, he shall pay a fee for such re-vaccination of two shillings and sixpence, which fee shall be a debt due from him to the guardians of the union or parish in which such public vaccinator acts, and all such fees (b) shall be paid to and all expenses of the guardians incurred under this

Payment
of fee by
re-vacci-
nated per-
son where
not in-
spected.

Sect. 9. section shall be paid out of the fund out of which the expenses of the guardians under the principal Act are paid.(c)

(a) See section 8, Vaccination Act, 1867, *ante*, p. 52.

(b) Fees recoverable under this section should be collected by the collector of the guardians; but the guardians may, if they like, appoint their vaccination officers as collectors for this purpose under the General Orders of the Poor Law Board of 7th October, 1865, and 27th November, 1866.

(c) That is, out of the common fund of the union. (See Union Chargeability Act, 1865, s. 1.)

Penalties.

Penalty for preventing vaccinator from taking lymph.

10. *Every person who prevents any public vaccinator from taking from any child lymph as provided by section seventeen of the principal Act shall be liable, on summary conviction, to pay a penalty not exceeding twenty shillings.*

This section is repealed by the Vaccination Act, 1898.

Amendment of legal proceedings for penalties.

11. Proceedings under section thirty-one (a) of the principal Act may be taken and proceeded with with respect to any child who is not within the union or parish for which a vaccination officer acts, if either the child or its parent was within such union or parish at the time of the information being given by such vaccination officer.

Where any parent of a child fails to produce such child when required so to do by any summons under the principal Act,(b) such parent shall be liable on summary conviction to a penalty not exceeding twenty shillings.

Any complaint (c) may be made and any information (c) laid for an offence under the Vaccination

Acts, 1867 and 1871, at any time not exceeding Sect. 11. twelve months (*d*) from the time when the matter of — such complaint or information arose, and not subsequently. (*e*)

Where a person is charged with the offence of neglecting to [*take or (f)*] cause [*to be taken (f)*] any child to be vaccinated, and on the defence made by such person it appears to the justices having cognizance of the case that such person is not guilty of such offence but has been guilty of the offence of not transmitting any certificate required by the principal Act or this Act with respect to the vaccination of such child, the justices may convict such person of the last-mentioned offence in like manner as if he had been charged therewith.

The defendant in any proceedings under the principal Act or this Act, may appear by any member of his family or any other person authorized by him in this behalf. (*g*)

(*a*) See *ante*, p. 68.

(*b*) See section 31 of the Vaccination Act, 1867, p. 68.

(*c*) There is a distinction between a "complaint" and an "information." A "complaint" is made when a person has failed to do something which he is by law required to do, and the result may be that the justices make an order requiring him to comply with the law. An "information" is laid when a person is to be charged with committing an offence against the law, and when he may in the result be punished by fine or imprisonment. Thus, under section 31, Vaccination Act, 1867, the vaccination officer may lay an information that a certain child in his district, aged less than fourteen years, is unvaccinated. Upon hearing the summons, the justices may make an order requiring the child to be vaccinated. If the parent disobeys the order, the vaccination officer may then make a "complaint" to that effect, the result being that the parent may be fined. Complaint :
Informa-
tion.

(*d*) See section 33 of the Vaccination Act, 1867, *ante*, p. 79.

Note to
Sect. 11.

—
Matter of
complaint;
when it
arises.

(e) Where a notice has been issued requiring that the child shall be vaccinated within a specified time from the date thereof, and the notice has been disregarded, the matter of complaint or information arises on the first disobedience of the notice. In *Knight v. Halliwell* (43 L. J. M. C. 113; 30 L. T. (N.S.) 359; 38 J. P. 470), BLACKBURN J. said (38 J. P. 471): "The matter of complaint in this case was the disobedience of the notice which was dated the 10th May, 1872, and which required the child to be vaccinated by the 12th of that month. This notice continued to be disregarded until the 24th June, 1873, when the information was laid upon which the justice made the order appealed against of the 3rd July. Thirteen months elapsed from the cause of complaint before the complaint was made. Mr. Edwards attempted to answer this objection by contending that although the notice was disobeyed on the 12th of May, it was also disobeyed, and the cause of complaint arose, every day afterwards as long as the child continued unvaccinated, but I do not think we can put that construction upon this 11th section in opposition to the decisions upon statutes which create limitations in respect of proceedings for neglect of the provisions of an Act of Parliament." In the same case, LUSH J. said: "I can put no other construction upon the limitation clause in the 11th section, than that the period of limitation is to run from the time when the cause of complaint first arose."

Fresh notice
after twelve
months.

If it should happen therefore that twelve months from the date of the notice have elapsed without proceedings being taken, a fresh notice should be issued to the parent requiring the child to be vaccinated, and no further proceedings should be based on the old notice.

In *Langridge v. Hobbs*, (1901) 1 K. B. 497; 70 L. J. K. B. 362; 84 L. T. 319, a parent was convicted on an information laid on 12th July, 1900, under section 29 of the Vaccination Act, 1867, charging that he had neglected to cause his child, born on 30th December, 1898, to be vaccinated within six months after birth, not rendering a reasonable excuse for his neglect. On 7th July, 1899, the vaccination officer served a notice on the parent requiring him to have the child vaccinated within fourteen days. The notice was not obeyed. The justices convicted the parent, being of opinion that in computing the time in which proceedings could be instituted, the same should be reckoned (under section 11 of the Vaccination Act, 1871), from the date of the expiration of the time mentioned in the notice (*i.e.* 21st July, 1899), and not from the date of the attainment by the child of the age of six months.

Hold by the Divisional Court (WILLS and PHILLIMORE JJ.) that the conviction was wrong. Per WILLS J.: "If the child is not vaccinated within the proper time" (*i.e.* six months from the birth) "and no sufficient excuse is produced, the vaccination officer is to give notice, and if that notice is not complied with

he must take proceedings for the enforcement of the law. A *locus penitentiae* is allowed to the parent, in order to prevent the necessity for taking proceedings. That is all: no fresh offence is created, so the offence remains complete on the expiration of six months from the birth of the child. But the information was not laid until 12th July, 1900, more than a year after that date, and was therefore too late." Note to Sect. 11.

Section 11 impliedly repeals section 44 of the Metropolitan Police Act (2 & 3 Vict. c. 71), so far as regards the limitation of time in proceedings under the Vaccination Acts. The time for taking such proceedings within the metropolis as elsewhere is twelve months. (*Miller v. Rhind*, 29 L. T. (N.S.) 29.) Metropolis.

(f) These words were repealed by the Vaccination Act, 1898.

(g) This is an important exception to the general rule of practice under which a defendant who does not appear in person can be represented only by counsel or by a solicitor. There is nothing to show that the authority to appear is to be given in any particular way. The person appearing must satisfy the court that he is authorized to represent the defendant, and he could do this by declaring on oath that he has such authority, or by producing a written authorization signed by the defendant. In the latter case he should be prepared to prove the defendant's signature. [A similar provision is contained in the Elementary Education Act, 1873, section 24 (9).] Appearance by authorized deputy

In *Reg. v. Webb, Ex parte Hawker*, a rule *nisi* was granted calling upon justices sitting at Tewkesbury to show cause why a conviction against one Hawker should not be quashed. Hawker was summoned under the Vaccination Acts for disobeying an order to have his child vaccinated. He authorized the Rev. A. G., of Tewkesbury, to appear for him. The justices refused to hear the Rev. A. G., and convicted Hawker in his absence.

At the hearing of the case it appeared that the circumstances were not fully stated when the rule *nisi* was obtained. In discharging the rule, Mr. Justice LAWRENCE said that, in his opinion, the justices were perfectly right in what they did. The defendants in the proceedings had all put their cases into the hands of Mr. G ——. He appeared before the justices; but instead of addressing himself to the point before the justices he aired his views on vaccination at large. The justices grew tired of that, and called him very civilly to apply his principles to the particular case before them. However, he persisted in the course he had taken, and then the justices told him that if he would not confine himself to the point he must sit down. Then the reverend gentleman became abusive, whereupon the justices told him they would not hear him, upon which, at the approach of the police-constable, he left the Court, leaving behind him the cases of all the other defendants by whom he was employed. It was argued that it was not enough for an advocate to misbehave himself in one case,

**Note to
Sect.11.**

—

but that he must have an opportunity of misbehaving himself in each case. Such an argument was its own refutation. Then the cases were adjourned in order that the defendants might have the opportunity of appearing by some one not quite so reverend and not quite so abusive. But at the adjourned hearing the same advocate appeared, and the same farce was gone through. Then, after Mr. G—— had left the Court, the other cases were dealt with. Hawker's idea, indicated through his advocate, was that he would not address himself to his own particular case, but that he would deal with the whole question of vaccination. The justices therefore considered that the defendants had no reason for their disobedience since they had put forward an advocate who would give no reason. The justices were amply justified in what they had done.

Mr. Justice CHANNELL agreed. (*Times*, 24th Jan., 1899.)

Miscellaneous.

Certificate
of successful
vaccination.

12. Where it appears to the public vaccinator of any district, upon personal examination of any child resident in such district who has not been successfully vaccinated by him, that such child has been successfully vaccinated, the public vaccinator may, on the request of the parent of such child, grant a certificate to that effect, (a) and such certificate shall be transmitted and have the same effect as if it were a certificate of successful vaccination by the public vaccinator who gave the certificate.

(a) The guardians are neither required nor authorized to pay the public vaccinator for such certificate. The public vaccinator is not bound to give it, but, except for very strong reasons, he should not refuse. He may make his own terms with the parent as to payment.

A form of certificate (F) for use under this section is prescribed by Art. 7 of the Vaccination Order, 1907. The forms are supplied by the Local Government Board.

Vaccination
by poor-law
medical
officer of
persons in
the house
with a
person ill of
smallpox.

13. Where the medical officer of any board of guardians is in attendance as such medical officer upon a person sick of smallpox, and vaccinates any person who is resident in the same house with the sick person and has never been vaccinated or had the

smallpox, or re-vaccinates any person who is resident in the same house with the sick person and has never been re-vaccinated, and is of the age at which successful re-vaccination by a public vaccinator is paid for under the regulations of the Lords of Her Majesty's Council for the time being in force, (a) such medical officer shall, upon transmitting the same certificates (b) as he would be required to transmit if he were the public vaccinator for the district, be entitled to be paid in respect of every such case of vaccination and re-vaccination the same sum (c) out of the same fund as he would be entitled to receive if he were the public vaccinator for the district. Sect. 13.

(a) The regulations formerly made by the Privy Council are superseded by the Vaccination Orders, 1898 and 1907. Now a person may be re-vaccinated at the public expense at ten years of age, and again at intervals of ten years. See Art. 3 (1), *post*, pp. 204-208.

(b) See section 7, *ante*, p. 88.

(c) *I.e.* he will be entitled to the sum provided in the existing contract with the public vaccinator for the district. If there is no such contract in force, he will apparently be entitled to the minimum fees provided for in the Vaccination Order, 1907 (*post*, p. 204).

The fund out of which the fees are paid is the common fund of the union.

14. The powers of the Poor Law Board, (a) under section nine (b) of the principal Act, with respect to contracts for vaccination entered into under the provisions of that Act, shall extend to contracts for vaccination entered into under the provisions of any other Act.

Extension
of section 9
of 30 & 31
Vict. c. 84,
as to con-
tracts for
vaccination.

(a) Now the Local Government Board.

(b) See *ante*, p. 53.

V.L.

Sect. 15. 15. The Poor Law Board (a) may, by order, from time to time repeal, alter, and add to the forms contained in the schedule of the principal Act, and the reference in the principal Act or this Act to the forms in such schedule or to any forms shall be construed to refer to the forms prescribed by any such order.

—
Alteration
of forms.

(a) Now the Local Government Board.

Substitution
of Local
Government
Board for
Poor Law
Board and
Privy
Council.

16. After the establishment of the Local Government Board under any Act (a) passed in the present session, this Act shall be construed as if the words Local Government Board were throughout it substituted for the words Poor Law Board or Lords of Her Majesty's Privy Council respectively.(a)

(a) See the Local Government Board Act, 1871 (34 & 35 Viet. c. 70), section 7, *post*, p. 228. The Act was passed on the 14th August, 1871. By section 3 (*post*, p. 225), it is laid down that the Board shall be deemed to be established from and after the date of the first appointment of a president. The first president was the Right Hon. J. Stansfield, M.P., and he was appointed on the 19th August, 1871.

As to repeal
of part of
principal
Act.

17. *After the commencement of this Act, the principal Act shall be repealed to the extent specified in the third column of the schedule to this Act: Provided that this repeal shall not affect anything done or suffered before the passing of this Act, or any right, interest, or liability accrued before the passing of this Act, or any remedy or proceeding in respect of any such thing, right, interest, or liability.*

This section was repealed by the Statute Law Revision Act, 1883.

SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
30 & 31 Vict. c. 84.	<i>The Vaccination Act of 1867.</i>	<i>Section fourteen(a); so much of section twenty-three,(b) "as requires a parent to submit any certificate, or prescribes the time within which any certificate is to be transmitted;" and the following words in section twenty-four, (c) namely, "and another fee of three-pence in respect of every such child whose certificate he shall have registered as herein provided, and he shall receive a fee of one penny in respect of each child whose certificate he shall have registered without having registered the birth;" and section twenty-seven.(d)</i>

(a) See *ante*, p. 56.(c) See *ante*, p. 63.(b) See *ante*, p. 23.(d) See *ante*, p. 64.

The above schedule was repealed by the Statute Law Revision Act, 1883.

THE VACCINATION ACT, 1874.

37 & 38 VICT. CAP. 75.

An Act to explain the Vaccination Act, 1871.

[7th August, 1874.]

34 & 35 Vict.
c. 93, s. 5.

WHEREAS by section five (a) of the Vaccination Act, 1871, it is enacted, amongst other things, that, subject to the provisions of that Act, the Local Government Board shall have the same powers with respect to guardians and vaccination officers in matters relating to vaccination as they have with respect to guardians and officers of guardians in matters relating to the relief of the poor, and may make rules, orders, and regulations accordingly :

And whereas doubts are entertained whether the Local Government Board are empowered under the said Act to make rules, orders, and regulations with respect to the proceedings to be taken by the guardians or their officers for the enforcement of the provisions of the Vaccination Acts, 1867 and 1871 :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

The Preamble was repealed by the Statute Law Revision (No. 2) Act, 1893.

1. The powers conferred by the said recited **Sect. 1.**
section(a) shall be deemed to extend to and include
the making of rules, orders, and regulations pre-
scribing the duties of guardians and their officers in
relation to the institution and conduct of the pro-
ceedings to be taken for enforcing the provisions of
the said Acts, and the payment of the costs and
expenses relating thereto, and rules, orders, and
regulations under this Act shall be deemed to be
made under the said section.(b)

—
Rules under
34 & 35 Vict.
c. 98, to
extend to
proceedings
and ex-
penses.

(a) *Ante*, p. 85.

(b) A General Order in pursuance of the powers hereby conferred was issued by the Local Government Board on 31st October, 1874. That order was replaced by the Vaccination Order, 1898, *post*, p. 120, which has itself been amended by orders made in 1899 and 1907.

2. This Act may be cited as the Vaccination Act, Short title.
1874.

THE VACCINATION ACT, 1898.

61 & 62 VICT. CAP. 49.

An Act to Amend the Law with respect to Vaccination.

[12th August, 1898.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Sect. 1.

—
Vaccination
within six
months after
birth.

30 & 31 Vict.
c. 84.

1.—(1.) The period within which the parent * or other person having the custody of a child shall cause the child to be vaccinated shall be six months (a) from the birth of the child, instead of the period of three months mentioned in section sixteen of the Vaccination Act of 1867, and so much of that section as requires the child to be taken to a public vaccinator to be vaccinated shall be repealed.

(2.) The public vaccinator of the district shall, if the parent or other person having the custody of a child so requires, visit the home of the child for the purpose of vaccinating the child.(b)

(3.) If a child is not vaccinated within four months (b) after its birth, the public vaccinator of

* If both parents are living together, the parent who is responsible for causing the child to be vaccinated is the father.

the district, after at least twenty-four hours' notice Sect. 1.
to the parent, shall visit (c) the home of the child, —
and shall offer to vaccinate the child with glycerinated calf lymph, (d) or such other lymph as may be issued by the Local Government Board.

(4.) The public vaccinator shall not vaccinate a child, if, in his opinion, the condition of the house (e) in which it resides is such, or there is or has been such a recent prevalence of infectious disease (e) in the district, that it cannot be safely vaccinated, and in that case shall give a certificate under section eighteen of the Vaccination Act of 1867 of postponement of vaccination, and shall forthwith give notice of any such certificate to the medical officer of health (f) for the district.

(5.) Notwithstanding any regulation of any lying-in hospital (g) or infirmary, or other similar institution, the parent of any child born in any institution shall not be compelled under such regulation or otherwise to cause or permit the child to be vaccinated at any time earlier than the expiration of six months from its birth.

(a) The extension of the age period for vaccination to six months accords with the recommendation of the Royal Commission (see p. 29, *ante*). Under section 16 of the Vaccination Act, 1867 (p. 57), the age period was three months; but that period was subject to the provision in section 12 of the same Act, under which, in many rural districts, vaccination was performed at half-yearly periods only. In those districts many children attained the age of six months, and sometimes more, before they could be proceeded against as in default. Age for vaccination.

The period of six months now applies generally to the urban as well as to the rural population, and when a child has reached the age of six months, if its parent has not obtained a certificate of successful vaccination, of insusceptibility of vaccination, of having had smallpox, or has not made a declaration of conscientious objection to vaccination, that parent will be "in default" and will be liable to proceedings under section 29 or section 31 of the Vaccination Act, 1867.

**Note to
Sect. 1.**

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The proceedings cannot be commenced against the parent until the expiration of seven days after the six months are completed. This additional period is necessary in order that any certificate which the parent may have obtained may be sent to the vaccination officer. See section 7, Vaccination Act, 1871, p. 88.

Public
vaccinator
to visit
child's
home.

(b) As long as the system of vaccination with humanized lymph was in force, it was not possible to carry out a general system of home vaccination. It was desirable to get several children together in order to obtain the best and most healthy child available from whom to take lymph. Moreover, it was essential that the lymph should be used quite fresh. Hence it was necessary to appoint stations for vaccination, and to require children to be brought to them. Now that calf lymph is to be generally used, home vaccinations are practicable, and, therefore, preferable. Here again, the new law accords with the recommendation of the Royal Commission (*ante*, p. 29). Among the advantages which arise from this change are the following:—

Advantages
of home
vaccination.

- (a) Parents will be saved the trouble of taking their children twice to a station, first for the operation itself, and secondly, to enable the public vaccinator to inspect the results and give a certificate of successful vaccination.
- (b) Their children will be saved the risk of colds through being taken out in bad weather, also the risk of catching an infectious disease from other children with whom they may be brought into contact at the station.
- (c) The public vaccinator will be able to see the state of the child's home, and if it is in a very insanitary condition he may postpone the operation; so, also, if he finds there has been lately any infectious disease there or in the neighbourhood—as to this see also note (e) below.
- (d) Under the system in which glycerinated calf lymph will be employed, it will not be necessary to open, for the purpose of vaccinating others, the vaccination vesicles which have formed on a child's arm. There will thus be less risk of injury to the child from dirt which might get in at the place of opening.

Vaccination officers who desire to exercise their powers of persuasion (see p. 14) when making personal inquiries in cases where they have not received the necessary certificate relating to vaccination, may find it useful to point out these facts to parents, as well as the safeguards which efficient vaccination affords against attacks of smallpox.

When home
will be
visited.

Unless the parent desires the public vaccinator to attend the child's home before it attains the age of four months, it will not be necessary for him to give the public vaccinator notice to visit. A verbal request from the parent to the public vaccinator is sufficient notice.

If the child is not vaccinated within four months after its birth, and if a certificate of insusceptibility or smallpox has not been sent to the vaccination officer and he has no valid certificate of postponement and no declaration of conscientious objection, the public vaccinator will, without any request from the parent, visit the home of the child when the child is between the age of four and six months.

Note to
Sect. 1.

—
Notice of
visit.

Prior to the visit the public vaccinator must give at least twenty-four hours' notice to the parent. It is not necessary that the notice should be served upon the parent or other person having the custody of the child, or that it should be served by the public vaccinator in person. The notice may be served by post by prepaid letter and the letter need not be registered. (See circular of the Local Government Board, September 17, 1901, *post*, p. 238.) If at that visit the child is vaccinated by the public vaccinator, the latter will call again in due course to inspect the child, sign the certificate of successful vaccination, and send it to the vaccination officer. If, however, the child is vaccinated by a medical man other than the public vaccinator, the parent will himself be responsible for seeing that the certificate of successful vaccination is sent to the vaccination officer. If the law has not been complied with at the expiration of six calendar months from the child's birth, the parent or person in charge of the child will be liable to be proceeded against under section 29 or section 31 of the Vaccination Act, 1867.

If on visiting the child's home the public vaccinator finds it necessary to postpone the vaccination of the child for a period, he should call again at the end of that period for the purpose of vaccinating the child.

(c) The visit of the public vaccinator is not a condition precedent to an order under section 31, Vaccination Act, 1867, requiring the child to be vaccinated. *Pym v. Wilsher*. (1901) 2 K. B. 806; 65 J. P. 755.

In *Bowden v. Toll* (cited on p. 71), LORD ALVERSTONE L.C.J. said: "Neglect on the part of a public vaccinator cannot be used as a defence to proceedings under section 31. Such neglect may be an answer to proceedings under section 29. But the statute does not disable the justices from ordering a child to be vaccinated because there has been neglect on the part of the public vaccinator in the discharge of his duties under the Act of 1898.

(d) It seems to be the duty of the public vaccinator to visit the child's home and offer vaccination, even if he receive a letter saying that the parent declines to have the child vaccinated, or that he proposes to have it vaccinated by a private medical man. In the latter case, however, the public vaccinator might reasonably inform the vaccination officer, and wait a little while in order to see whether the latter receives a certificate relating to the child's vaccination. This course would

Glycerin-
ated calf
lymph.

Note to Sect. 1. be "a sufficient reason for delay" within the meaning of Art. 7.(2), p. 135, of the Vaccination Order, 1898.

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On the question whether the fulfilment of section 1 (3) is a condition precedent to proceedings under section 31, Vaccination Act, 1867, see note (k) to that section on p. 74.

Mr. Chaplin, President of the Local Government Board, stated, when the Bill for the Act of 1898 was in Committee, that all the lymph to be used by public vaccinators would be prepared and issued by the Local Government Board (*Times*, 25th June, 1898). The duty of the Local Government Board in regard to the supply of lymph for the use of public vaccinators extends only to the supply for primary vaccinations. In all ordinary circumstances, however, they also supply public vaccinators with lymph for re-vaccinations.

During the smallpox epidemic in 1902, when great demands were made on the Board's resources, certain public vaccinators obtained supplies from private firms, and a doubt arose whether the guardians could repay them. The Board intimated that guardians could properly defray the cost of the lymph needed to enable public vaccinators to fulfil their contract engagements (*Local Government Chronicle*, 1902, p. 879).

The lymph takes about a month to be prepared and stored in glycerine, giving ample time for the authorities to make efficient inquiry into the health of the calves up to the time of their being slaughtered (*Times*, 29th June, 1898). No lymph will ever be taken from a dead animal (Mr. Chaplin in House of Commons, *Times*, 25th June, 1898).

If a parent desires the operation to be performed otherwise than with glycerinated calf lymph, it is, of course, open to him to employ a private medical practitioner to vaccinate. In that case any kind of lymph may be used.

Postpone-
ment.

Condition
of house.

Infectious
disease.

(e) This and the power to postpone on account of recent prevalence of infectious disease in the child's neighbourhood are based on the report of the Royal Commission (*ante*, p. 29).

The Commissioners state that "the insanitary conditions in which a child was living have often afforded an explanation of septic diseases which have supervened on vaccination." . . . And, again, "There can be no doubt that vaccination ought to be postponed when *erysipelas*, *scarlet fever*, *measles*, or *chicken pox* are prevalent in the neighbourhood of the child's residence, or, if the child is not to be vaccinated at home, either there or near the place of vaccination."

Two
months.

If the public vaccinator is of opinion that on account of either of the causes specified in the section the child cannot be safely vaccinated, he is required to give a certificate of postponement. The length of postponement is not specified, but as the certificate is to be given under section 18, Vaccination

Act, 1867 (p. 59), the intention appears to be that the certificate, like the other certificate under that section, shall remain in force for two months and be renewable as there provided.

See also the last paragraph of note (b), above.

Note to
Sect. 1.

(f) No duty is cast by the section upon the medical officer of health for the district who is to receive notice of the certificates above referred to. Any action which he may think necessary to take in the matter must, therefore, be taken under his ordinary powers as Medical Officer of Health.

Medical
officer of
health.

(g) This sub-section was inserted on 21st June, 1898, when the Bill was passing through Committee. Its provisions carry out a recommendation of the Royal Commission. Their report states (para. 441) that "in some workhouse infirmaries and lying-in hospitals it has been the practice to vaccinate children within a few days of their birth. Although under favourable conditions vaccination may be successfully carried out at that early age, we think the practice is to be deprecated unless there be at the time obvious danger of smallpox contagion."

Lying-in
hospitals,
infirmaries,
&c.

Under Art. 207 (5) of the General Consolidated Order, it is the duty of the medical officer of the workhouse to vaccinate such of the children in the workhouse as may require vaccination. No period, however, was fixed within which the operation must be performed.

Work-
houses.

The vaccination contract with the medical officer of a workhouse provides that, in the case of every child resident in the workhouse who has reached the age of two months without having been vaccinated, the medical officer shall offer to vaccinate the child with glycerinated calf lymph or such other lymph as may be issued by the Local Government Board, and if his offer is accepted will thereupon (or after such postponement, if any, as may in his opinion be necessary) so vaccinate the child.

Correspondence has passed between Mr. Channing, M.P., and the Local Government Board with reference to the vaccination of such children. It is set out at length in 63 J. P. 90. The effect of the Board's reply is as follows:—

"There is nothing in the paragraph in the contract which is inconsistent with the provisions of section 1 (5) of the Vaccination Act, 1898. There is nothing in the contract which in any way compels an acceptance of the offer. It is quite open to the parent to decline the offer; there is no intention and no desire to force it upon him, and the paragraph expressly contemplates that the offer may be declined. The frequency with which parents of children born in the workhouse leave the workhouse before their children attain the age of four months, and the circumstances of workhouse life generally, caused it to be thought desirable that the medical officer of the workhouse should offer to vaccinate children in the workhouse at an earlier age than four months. Even if the offer to vaccinate is accepted,

Note to Sect. 1. it would be the duty of the medical officer to postpone the operation if, in his opinion, this was necessary."

—
Consent
of parent.

The Poor Law Commissioners formerly expressed the opinion that Boards of Guardians had the right, without the permission of the parents, to vaccinate any child in their custody, during any danger of contagion from smallpox. (Off. Circ. Vol. I. p. 72.) The Poor Law Board, a little later, also expressed the opinion that if the guardians and the workhouse medical officer thought that any child in the workhouse required vaccination, the medical officer should vaccinate such child notwithstanding the objection of the parent. (Off. Circ. Vol. VII. p. 204.)

This view, if it was ever held by the Local Government Board, has apparently been abandoned. (See a statement by Mr. Ritchie in the House of Commons on 23rd November, 1888.) On the 3rd March, 1893, Sir W. Foster, then Secretary of the Local Government Board, stated in the House of Commons that in the opinion of the Local Government Board the children of the inmates of a workhouse should not be vaccinated when the parent objected. Asked by Mr. Hopwood, Q.C., whether there was any law by which vaccination could be performed if the parent objected, Sir W. Foster replied:—"That is a question of law which is not free from doubt, but my own opinion is that vaccination cannot be legally performed under the circumstances, if the mother objects."

Of course, if the child is in good health, and the parent is willing to permit the operation to be performed before the child is six months old, there is no reason why it should not be done; but he or she should not be pressed to give consent.

In the case of orphan or deserted children or those of whom the guardians have the entire control, there would seem to be no doubt that the guardians can order their vaccination or re-vaccination.

In 1902, when smallpox was prevailing in various parts of the country, it was discovered that there was a considerable number of children in the Wellingborough Workhouse who had not been vaccinated, many of them being children who were orphans or deserted. The question arose whether in respect to the latter the medical officer could, without the consent of the guardians, vaccinate the children. To settle the matter the clerk wrote to the Local Government Board, who replied that the officer could vaccinate the children unless the guardians objected to his doing so (*Northampton Reporter*, 6th March, 1902).

Exemption
from
penalties.

2.—(1.) *No parent or other person shall be liable to any penalty under section twenty-nine or section thirty-one of the Vaccination Act of 1867, if within four*

months from the birth of the child he satisfies two justices, or a stipendiary or metropolitan police magistrate, in petty sessions, that he conscientiously believes that vaccination would be prejudicial to the health of the child, and within seven days thereafter delivers to the vaccination officer for the district a certificate by such justices or magistrate of such conscientious objection. Sect. 2.

(2.) This section shall come into operation on the passing of this Act, but in its application to a child born before the passing of this Act there shall be substituted for the period of four months from the birth of the child the period of four months from the passing of this Act.

The above section was repealed by section 2 of the Vaccination Act, 1907, which substitutes a statutory declaration for the certificate provided for in sec. 2 of the Act of 1898, *post*, p. 117.

The history of this clause is briefly stated in the Introduction (see p. 32). It is founded on a recommendation contained in the report of the majority of the Royal Commission on vaccination, paras. 524—5 (*ante*, p. 30). It was clearly the intention of the majority that the exemption should extend only to those who are "honestly opposed" to vaccination. "When we speak of an honest opposition to the practice," say the Commissioners, "we intend to confine our remarks to cases in which the objection is to the operation itself, and to exclude cases in which the objection arises merely from an indisposition to incur the trouble involved" (para. 524). "It must, of course, be a necessary condition of a scheme of this description that it should be such as would prevent an objection to the practice being alleged merely as an excuse to save the trouble connected with the vaccination of the child." The Commissioners then suggest two methods by which their idea might be carried out: "(a) satisfying the local authority that the parent entertained such an objection, (b) a statutory declaration to that effect before anyone authorized to take such a declaration, or some other specified official or officials." . . . "We do not think," continue the Commissioners, "that it would be any real gain to parents who had no conviction that the vaccination of their children was calculated to do mischief, to take either of these steps rather than submit them to the operation."

It is clear from this that the object of the majority of the Royal Commission in suggesting the exemption was to provide only for those who honestly believed that if their children Intention of
Royal Com-
mission.

**Note to
Sect. 2.**

—

were vaccinated the operation was calculated to do them harm. It was distinctly not their object to extend the exemption to parents who were merely negligent or who wished to procure the exemption to save themselves a certain amount of trouble.

Provision
against
repeated
penalties.

3. An order under section thirty-one (a) of the Vaccination Act of 1867, directing that a child be vaccinated, shall not be made on any person who has previously been convicted of non-compliance with a similar order relating to the same child.

Proceedings
under
30 & 31 Vict.
c. 84, s. 31.

4. No proceedings under section thirty-one (a) of the Vaccination Act of 1867 shall be taken against any parent or person who has been convicted under section twenty-nine (a) of the said Act on account of the same child, until it has reached the age of four years. (b)

(a) See pp. 68 and 65.

Prior to the passing of the Act of 1898 it was the custom for proceedings to be taken first under section 29, under which only one conviction could be had. If the child still remained unvaccinated, an information was then laid under section 31, upon which the justices would make an order for the vaccination of the child within a certain time. If the order was disobeyed without reasonable ground being shown for the omission to carry it into effect, the parent might be convicted and fined.

Up to this stage the vaccination officer could act without receiving special directions from the guardians. Before proceeding further he had to get special directions (as to which, see *ante*, pp. 8 and 11), and if the guardians gave them, proceedings might be repeated again and again under section 31.

No repetition of
proceedings.

(b) Under the present law, not only can there be no second proceedings under section 31, but an order under section 31, directing a child to be vaccinated cannot be obtained until the child has reached the age of four years, if a conviction on account of the same child has been previously obtained under section 29.

The intention of section 4 (which was added in Committee, on the motion of Sir W. Priestley) is to give a new opportunity of bringing pressure to bear upon the child's parents just before it goes to school. The danger of smallpox for the

first year of life, said Sir W. Priestley, is to the family; but when the child goes to school unvaccinated it becomes a danger to the community (*Times*, 6th July, 1898.)

Note to
Sect. 4.

The present position, therefore, may be thus stated:—(1) A parent may be convicted under section 29, and when the child has reached four years of age, if the law is not complied with, an order may be obtained directing the parent or person in charge of the child to procure its vaccination. If that order be disobeyed, the parent may be convicted and fined, after which no further proceedings can be taken in respect of that child. Or (2) instead of taking any proceedings under section 29, they may at first be taken under section 31, and an order made. If that order be disobeyed, a conviction may be obtained, but then all proceedings are at end, and nothing can be done even after the age of four years is reached.

Summary of
proceedings
that can
be taken.

In taking proceedings, therefore, it is necessary to consider which alternative should be chosen, and this must be determined by the circumstances of each child. In the first case, continued disobedience involves an appearance before the magistrates when the child is an infant, and two more appearances after it is four years old. In the second case, it means two appearances before the magistrates during the child's infancy, and none afterwards.

5. Persons committed to prison on account of non-compliance with any order or non-payment of fines or costs under the Vaccination Acts shall be treated in the same way as first-class misdemeanants.

Treatment
of prisoners.

See *Kennard v. Simmons* in the note to section 31 of the Act of 1867. Imprisonment under that Act could not be accompanied by hard labour. The person sentenced was, however, a "criminal prisoner" as defined by section 4 of the Prisons Act, 1865, and was treated in prison as an ordinary criminal prisoner not subject to hard labour. As such, he might be compelled to wear prison clothes, to pick oakum, to sleep on a plank bed, to take exercise with the ordinary prisoners, and to live on prison fare. Under the Act of 1898 a person committed will not be subject to these indignities, but will be treated like persons committed to prison for contempt of court, or for default in payment of debt. This accords with the recommendation in the fifth report of the Royal Commission.

6. The Local Government Board may make rules and regulations with respect to the duties and remuneration of public vaccinators, whether under contracts made before or after the passing of this Act.

Regulations
of Local
Government
Board.

Note to Sect. 6. Rules and regulations have been issued under this section by the Vaccination Orders, 1898, 1899, 1905, and 1907, *post*, pp. 120, 194, 201, 203, and 215.

Power to provide vaccination stations under exceptional circumstances.

7. The Local Government Board may by order, if in their opinion it is expedient by reason of serious risk of outbreak of smallpox or of other exceptional circumstances, require the guardians of any poor law union to provide vaccination stations for the vaccination of children with glycerinated calf lymph or such other lymph as may be issued by the Local Government Board, and modify as respects the area to which the order applies, and during the period for which it is in force, the provisions of this Act requiring the public vaccinator to visit the home of the child otherwise than on request of the parent.

Stations for the performance of public vaccination can be appointed under this section (a) when there is serious risk of an outbreak of smallpox, (b) in other exceptional circumstances.

Exceptional circumstances.

It is not easy to suggest what "other" circumstances may be considered "exceptional" for the purpose of providing stations. It was clearly the object of the legislature in passing the Vaccination Act, 1898, to put an end to the practice of collecting children together at stations for the purpose of vaccinating them. This is shown by the statements made in the House of Commons in the debates on the Bill. For instance, on its introduction Mr. Chaplin explained that "instead of sending the child to the doctor the doctor in future will go to the child, and in this way we shall assimilate as nearly as possible the law and practice in England to what it is in Scotland." Sir W. Foster also, speaking on behalf of the opposition, expressed satisfaction at learning that the attendance of the poor at vaccination stations was to be dispensed with. Possibly it may be necessary to appoint stations to which children may be brought in order to give medical students an opportunity of attending their course of instruction in vaccination; but short of this, and of an anticipated outbreak of smallpox, there would seem to be no case in which the domiciliary attendance of the public vaccinator would not be sufficient for all practical purposes. The fact that public vaccination cannot be performed as cheaply at the homes of children, as at stations, cannot be regarded as an exceptional circumstance.

A system of stational vaccination established under section 7 will have different objects from those which governed the system of stational vaccination when arm-to-arm vaccination was practised. Then the object of having stations was to collect a considerable number of children at the station at one time, so as to give the public vaccinator plenty of choice in selecting a child from whom to take lymph for the vaccination of others.

Note to
Sect. 7.

In stational vaccination under section 7, the object will generally be to get a large number of persons vaccinated in the least possible time. The operation will in all cases be done with calf lymph. Experience of smallpox epidemics has shown that when the disease begins to spread in a town hundreds and even thousands of people apply to be vaccinated or re-vaccinated. To visit them at their homes would take much longer than to vaccinate them at one or two stations. Much valuable time might thus be lost, and opportunity given to the disease to spread among the unvaccinated members of the community.

In 1901, during an outbreak of smallpox in the metropolitan borough of St. Pancras, the Local Government Board issued an order under the above section requiring the guardians of the St. Pancras Union to provide a vaccination station.

In 1904, during an extensive prevalence of smallpox in Dewsbury and its neighbourhood, the Local Government Board issued orders under sections 130 and 134 of the Public Health Act, 1875, and under the Public Health Act, 1896, requiring the town council of Dewsbury and certain district councils to provide "vaccination centres" and to employ vaccinators for the gratuitous vaccination or re-vaccination of persons in the respective districts. This exceptional course was rendered necessary by the failure of the guardians of the Dewsbury Union to put in force the Vaccination Acts in their union. A copy of the orders will be found in the report of the Local Government Board for the year 1904-5.

8. The clerk of any sanitary authority which shall maintain a hospital for the treatment of smallpox patients shall keep a list of the names, addresses, ages, and condition as to vaccination of all smallpox patients treated in the hospital, such entries to be made on admission, and shall at all reasonable times allow searches to be made therein, and upon demand give a copy under his hand or under that of his deputy of every entry in the same on payment of a

List to be
kept of vac-
cinated per-
sons treated
in smallpox
hospitals.

Sect. 8. fee of sixpence for each search, and threepence for each copy.

On the 28th October, 1902, the Local Government Board issued to town councils, district councils, joint hospital boards, and isolation hospital committees a circular enclosing a form of register and a form of bed-card which they recommended for use in any smallpox hospital maintained by a sanitary authority. The circular is printed on p. 251. Registers in the form referred to and bed-cards can be obtained from Messrs. Shaw and Sons, Fetter Lane, London, E.C.

It will be observed that the clerk of the sanitary authority is to keep the list here provided for, and to make the necessary entries on each patient's admission to the hospital. In practice, however, the making of the entries will probably devolve on the medical officer of the hospital, or the medical officer of health. The clerk never resides at the hospital, and probably does not visit it often. Admission is not generally obtained on application to him, but to the medical officer of health, and the clerk cannot usually be in possession of the facts until he obtains them from that officer, or from the medical officer of the hospital.

The circular of the Local Government Board indicates how the facts are to be first entered on the bed-cards and subsequently transferred to the register.

The register should be kept at the clerk's office, as it would be very undesirable to allow the searches provided for in the section to be made at the hospital itself.

In joint
hospital
districts.

In cases where a smallpox hospital is maintained by several sanitary authorities acting by a joint hospital board or committee, it will no doubt be sufficient if the clerk to the joint board or joint committee is directed by each of the constituent authorities to keep the necessary register.

Repeal.

9. The enactments mentioned in the schedule to this Act are hereby repealed, *(a)* during the continuance of this Act, to the extent specified in the third column of that schedule.

(a) The repeals enacted by section 9 are shown in italics in the several Acts affected.

Extent,
commence-
ment,

10.—(1.) This Act shall not extend to Scotland or Ireland.

(2.) This Act shall, except as by this Act specially Sect. 10. provided, come into operation on the first day of — duration, January One thousand eight hundred and ninety- and short nine, and shall remain in force until the first day of title. January One thousand nine hundred and four.(a)

(3.) This Act may be cited as the Vaccination Act, 1898, and the Vaccination Act of 1867, the Vac- 30 & 31 Vict. c. 84. cination Act, 1871, the Vaccination Act, 1874, and 34 & 35 Vict. c. 98. this Act shall be construed together as one Act, and 37 & 38 Vict. c. 75. may be cited collectively as the Vaccination Acts, 1867 to 1898.

(a) The suggestion of the Royal Commission that the conscientious exemption should, in some way, become law, was accompanied by a recommendation that the change should be a temporary one in the first instance. The majority suggested a period of five years, and they advised that, in the meantime, the effects should be carefully watched.

The Act has been continued in force from year to year by the Expiring Laws Continuance Acts.

SCHEDULE.

REPEALS.

Session and Chapter.	Short Title.	Extent of Repeal.
30 & 31 Vict. c. 84.	The Vaccination Act of 1867.	<p>Section six.</p> <p>Section seven from "and shall provide all stations" to the end of the section.</p> <p>So much of section eight as fixes the amount of payment thereunder.</p> <p>Section twelve.</p> <p>In section fifteen, from "according to the provisions" to "performing the operation."</p> <p>Section sixteen, the words "within three months after the birth of such child," and from "within three months after receiving" to "period as aforesaid," and from "and the public vaccinator" to the end of the section.</p> <p>Section seventeen, to "vaccinations and," and in the same section the words "if the vaccinator so direct," and the words "and inspected as on the previous occasion."</p> <p>Section nineteen.</p> <p>In section twenty, the words "brought to him for vaccination."</p> <p>In section twenty-nine, the words "to take such child or," the words "to be taken," and the words "according to the provisions of this Act."</p> <p>In section thirty-seven the word "of."</p>
34 & 35 Vict. c. 98.	The Vaccination Act, 1871.	<p>Section ten.</p> <p>In section eleven the words "take or" and the words "to be taken."</p>

THE VACCINATION ACT, 1907.

7 EDW. 7, CAP. 31.

An Act to substitute a Statutory Declaration for the Certificate required under section two of the Vaccination Act, 1898, of Conscientious Objection.

[28th August, 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. The Vaccination Act, 1898, shall be read as if the following section were substituted for section two of that Act :—

Sect. 1.

—
Substitution
of statutory
declaration
as to con-
scientious
objection for
certificate of
justices.

61 & 62 Vict.
c. 49.

30 & 31 Vict.
c. 84.

- (1) No parent or other person (*a*) shall be liable to any penalty under section twenty-nine (*b*) or section thirty-one (*c*) of the Vaccination Act of 1867 if within four months (*d*) from the birth of the child he makes a statutory declaration (*e*) that he conscientiously believes that vaccination would be prejudicial to the health of the child, and within seven days thereafter delivers (*f*) or sends by post the declaration to the vaccination officer of the district.

- Sect. 1. (2) A statutory declaration made for the purposes of this section shall be exempt from stamp duty.
- (3) A statutory declaration for the purposes of this section shall be made in the form set out in the schedule to this Act, or in a form to the like effect.

(a) other person, *i.e.*, "other person having the custody of a child." (See section 1 (1), and definition of "parent" on p. 82.) If both parents are living together, the father, not the mother, is the parent who is entitled to make the declaration of conscientious objection. If the father is abroad for the four months, the mother may make it.

(b) Section 29 will be found on p. 65. The penalty under that section, as amended by the Act of 1898, would be for neglecting to cause the child to be vaccinated, or after vaccination to be inspected without rendering a reasonable excuse for the neglect.

(c) Section 31 will be found on p. 68. The penalty under that section is for disobedience to a justice's order directing a child to be vaccinated within a certain time without showing some reasonable ground for the omission to carry the order into effect.

(d) four months, *i.e.*, four calendar months. (Interpretation Act, 1889, section 3.) If a child is born on the 1st January, the 1st May is the last day on which the parent can make a declaration of conscientious objection. As to the principle on which this reckoning is based, see *Sheffield Corporation v. Sheffield Electric Lighting Co.*, L. R. (1898), 1 Ch. 203; and *Radcliffe v. Bartholomew*, (1892) 1 Q. B. 161.

In *Reg. v. Justices of Buckinghamshire* (1899), W. R. 315, the Court held that justices might require the production of the certificate of a child's birth before granting a certificate of exemption under s. 2 of the Vaccination Act, 1898.

(e) The statutory declaration may be made before any solicitor who is also a Commissioner for Oaths or before a Justice of the Peace.

For further information as to the persons who can be authorized to receive statutory declarations, see Commissioners for Oaths Acts, 1889 and 1891. For the purposes of the Vaccination Acts the statutory declarations will probably in many cases be made before solicitors. Their usual fee is 1s. 6d. If made before a justice out of Court, no fee will be payable; if made before a justice in Court, a fee may be charged if this is provided for in the approved list of fees.

A vaccination officer may find it useful to make for himself a list of the solicitors in his neighbourhood who are Commissioners for Oaths. This can be done from the "Law List" where it is available. A vaccination officer will no doubt often receive statutory declarations made outside his district.

In a case where defendant tried but failed to get from justices a certificate of exemption, the Court held that on an information in respect of the non-vaccination of the child the case could not be dismissed as being for a "trifling" offence within section 16 of the Summary Jurisdiction Act, 1879 (*Nisbet v. Lloyd*, 68 J. P. 396; 2 L. G. R. 1277).

Note to
Sect. 1.

(j) Under section 2 of the Vaccination Act, 1898 (now repealed), "Delivers," the certificate had to be *delivered* to the vaccination officer within seven days after the parent or other person satisfied the justices or magistrate of his conscientious belief. It is now sufficient that the declaration as to conscientious objection should be sent within seven days by post to the vaccination officer of the district.

2. Section two of the Vaccination Act, 1898, is hereby repealed, but the repeal shall not affect the operation of any certificate obtained before the commencement of this Act.

3.—(1) This Act shall come into operation on the first day of January nineteen hundred and eight.

Commence-
ment and
short title.

(2) This Act may be cited as the Vaccination Act, 1907, and may be cited with the Vaccination Acts, 1867 to 1898.

SCHEDULE.

Section 1.

FORM OF DECLARATION.

I, *A.B.*, of _____ in the parish of _____ in the county of _____ being the parent [or person having the custody] of a child named *C.D.*, who was born on the _____ day of _____ 19____, do hereby solemnly and sincerely declare that I conscientiously believe that vaccination would be prejudicial to the health of the child, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Dated this _____ day of _____ 19____.

Signed, *A.B.*

Declared before me, at _____ on the _____ day of _____

E.F.,

a Commissioner for Oaths [or Justice of the Peace, or other officer authorized to receive a statutory declaration].

GENERAL ORDERS :

In this print of the Vaccination Order, 1898, the modifications made by the Vaccination Orders of 1905 and 1907 are shown.

The paragraphs substituted by those Orders are shown by a black line in the margin or by italics.

GENERAL ORDER.(a)

VACCINATION ACTS, 1867 TO 1898.

AMENDED REGULATIONS.

TO THE BOARD OF GUARDIANS of every Poor Law Union in England and Wales ;—

To the Public Vaccinators of the several Vaccination Districts in England and Wales ;—

And to all others whom it may concern.

WHEREAS by section 4 of the Vaccination Act, 1867 (hereinafter referred to as "the Act of 1867"), it was enacted that no person should be appointed a public vaccinator, or act as deputy for a public vaccinator, who should not possess the qualification theretofore prescribed by the Lords of her Majesty's Council, or such as should be from time to time prescribed by them, except when such

(a) In *Moore v. Keyte* (cited on p. 66) the question of the power of the Local Government Board to make this Order came under the consideration of the Court. In his judgment LORD ALVERSTONE L.C.J. said : "It is not as if this kind of Order was passed for the first time. From the years 1871 and 1874, when the Local Government Board was substituted for the Poor Law Board for this purpose, or when this Act" (*i.e.* the Act of 1874) "removed any doubt as to the powers of the Local Government Board, there have been these Orders made. For the purposes of to-day, I think the Attorney-General is right in saying this Order is in the position of a statute."

Pre-
amble.
—

Lords should, upon sufficient cause, sanction any departure from their directions; and that all such regulations as the said Lords had theretofore made, or should thereafter make, which they were thereby authorized to make, to secure the efficient performance of vaccination, should be duly observed by the several persons to whom they applied;

And whereas by section 8 of the Act of 1867 the Lords of her Majesty's Council were authorized to issue regulations in respect of the re-vaccination of persons who might apply to be re-vaccinated;

And whereas by section 5 of the Vaccination Act, 1871 (hereinafter referred to as "the Act of 1871"), it was enacted that, subject to the provisions of that Act, the Poor Law Board should have the same power with respect to guardians and vaccination officers in matters relating to vaccination as they had with respect to guardians and officers of guardians in matters relating to the relief of the poor, and might make rules, orders, and regulations accordingly, and that all enactments relating to such powers, and to such orders, rules, and regulations, should apply, *mutatis mutandis*, and that the Poor Law Board should also frame appropriate books and forms for the use of vaccination officers, public vaccinators, and medical practitioners under the Act of 1867 and the Act of 1871;

And whereas by section 15 of the Act of 1871 it was enacted that the Poor Law Board might, by Order, from time to time repeal, alter, and add to, the forms contained in the Schedule to the Act of 1867;

And whereas by virtue of the Local Government Board Act, 1871, and of section 16 of the Act of 1871, all the powers and duties vested in or imposed on her Majesty's Most Honourable Privy Council by the Act of 1867, and any Acts amending the said Act, and conferring powers on the said Privy Council, and all powers and duties vested in or imposed on the Poor Law Board by the several Acts of Parliament relating to the relief of the poor, and any other Acts, are now vested in and imposed on us, the Local Government Board;

And whereas by section 1 of the Vaccination Act, 1874 (hereinafter referred to as "the Act of 1874"), it was enacted that the powers conferred by the above-recited section 5 of the Act of 1871 should be deemed to extend to and include the making of rules, orders, and regulations prescribing the duties of guardians and their officers in relation to the institution and conduct of the proceedings to

**Pre-
amble.**

be taken for enforcing the provisions of the Act of 1867 and the Act of 1871, and the payment of the costs and expenses relating thereto; and that rules, orders, and regulations under the Act of 1874 should be deemed to be made under the said section 5 of the Act of 1871;

And whereas by divers general and special Orders the Lords of Her Majesty's Privy Council, the Poor Law Board, and we ourselves have made regulations under, or which had effect under, the hereinbefore recited enactments; and the said Orders or some parts thereof are still in force;

And whereas by section 6 of the Vaccination Act, 1898 (hereinafter referred to as "the Act of 1898"), we are empowered to make rules and regulations with respect to the duties and remuneration of public vaccinators, whether under contracts made before or after the passing of that Act;

And whereas by section 7 of the Act of 1898 we are further empowered by Order, if in our opinion it is expedient by reason of serious risk of outbreak of smallpox or of other exceptional circumstances, to require the guardians of any Poor Law Union to provide vaccination stations for the vaccination of children with glycerinated calf lymph or other lymph as may be issued by us, and to modify as respects the area to which the Order applies, and during the period for which it is in force, the provisions of that Act requiring the public vaccinator to visit the home of the child otherwise than on request of the parent:

Date of
commence-
ment of
Order.

L. G. B.'s
dispensing
power.

Rescinding
previous
Orders.

Saving for
existing
contracts.

NOW THEREFORE, we, the Local Government Board, in pursuance of the powers given to us by the statutes in that behalf, do hereby order that from and after the 31st day of December, 1898 (hereinafter referred to as "the commencement of this Order"), the following provisions shall, unless we otherwise direct, have effect; viz.—

Art. 1.—All the Orders of Council and general and other Orders made by the Lords of Her Majesty's Privy Council, the Poor Law Board, and by us, under, or which have effect under, any of the hereinbefore recited enactments, shall be rescinded:

Provided that nothing in this Article shall affect—

1. The validity of any contract for public vaccination made under any Order hereby rescinded ; but the public vaccinator thereunder shall, as from the commencement of this Order, perform the duties, and be paid the remuneration substituted by this Order for the duties and remuneration fixed by such contract ; or
2. The appointment or tenure of office of any vaccination officer appointed under any of those Orders ; but he shall, as from the commencement of this Order, perform the duties prescribed by this Order, and be remunerated in manner provided by this Order.

Art. 1.

—

and existing
vaccination
officers.

Contracts with Public Vaccinators.

Art. 2.—The guardians of any Poor Law Union shall not enter into a contract for public vaccination with any registered medical practitioner, (a) or approve of any such practitioner as deputy (b) for a public vaccinator, unless he shall produce a certificate of proficiency (c) in vaccination given, under such conditions as we from time to time fix, by some person (d) whom we shall have authorized to act for the purpose and by whom he shall have been duly instructed and examined in the practice of vaccination ; but it shall not be necessary to produce the certificate to the guardians, if such certificate was required as a

Certificate of
proficiency
in vaccina-
tion,

Exceptions.

(a) *Registered medical practitioner*, see note (b) to section 3, Vaccination Act, 1867, p. 46, and note (b) to section 35, Vaccination Act, 1867, p. 82.

(b) *Deputy*, see Art. 6, *post*, p. 134.

(c) *Certificate of proficiency*, see note (a) to section 4, Vaccination Act, 1867, p. 48.

(d) For a list of persons at present (Jan., 1908) authorized to grant certificates of proficiency in vaccination, see p. 197.

- Art. 2. condition of obtaining any diploma (e), licence, or degree which the contractor possesses.

A general Order of the Local Government Board, dated 8 June, 1905, post, p. 201, provides as follows, —Article 2 of the Vaccination Order, 1898, shall apply and have effect as if to the said Article there were added the following proviso ; that is to say, —

Certificate
granted after
examination
only. ;

Provided that a certificate of proficiency in vaccination may be granted after examination only, and without a preliminary course of instruction, by a person whom We shall have authorized to act for the purpose—

- (a) to any registered medical practitioner who possesses a diploma, licence, or degree conferring the right of registration under the Medical Acts, and granted by an examining body in England and Wales or Scotland prior to the date at which the examining body first required, as a condition of obtaining the diploma, licence, or degree, a certificate of proficiency in vaccination given by a person authorized by Us to act for the purpose ; and
- (b) to any registered medical practitioner who possesses a diploma, licence, or degree which confers the right of registration under the Medical Acts, and which has been or may be granted by an examining body in Ireland, before the First day of January, One thousand nine hundred and six.

(e) See note (a) to section 4, Vaccination Act, 1867, p. 48.

By Article 1 of the Vaccination Order, 1907, the following Article 3 is substituted for the corresponding Article of the Vaccination Order, 1898. Art. 3.
—

Art. 3.—(1.) Every contract for public vaccination other than a contract with the Medical Officer of a Workhouse for the vaccination of the persons resident therein, shall be made in the Form set out in the First Schedule to this Order, with such modifications, if any, as the Guardians and the contractor adopt, and We approve; and shall provide for payments to be made to the Public Vaccinator as follows; that is to say,

Form of contract.

Fees to public vaccinators.

(a) A payment of not less than one shilling (g) in Birth fees.

(g) The Local Government Board decline to approve a birth fee under Art. 3 (1) (a) if it exceeds two-fifths of the amount payable for successful primary vaccination under (b) of this Article. Thus, if the guardians pay a fee of 5s. for each successful primary vaccination they may pay a birth fee of 2s., but not more. So, if the successful vaccination fee is 7s. 6d., the birth fee must not be more than 3s.

The following extracts are taken from a *Memorandum issued by the Local Government Board on the 12th December, 1898*, on the subject of the fees to be paid to public vaccinators:—

1. In settling the fees to be paid to public vaccinators, it must be borne in mind that the amounts specified in Art. 3 of the Vaccination Order, 1898, are only minimum fees. Wherever it appears to be necessary, higher fees can be agreed upon in all of the three classes of cases there mentioned. In agreeing what scale of fees shall be submitted to the board for their approval, it will be for the guardians and the public vaccinator to consider all the circumstances affecting the work which the public vaccinator will be called upon to perform.

Public vaccinators.

2. Specific fees should be agreed upon as the remuneration of the public vaccinator under the sub-heads (a), (b), and (c) of Art. 3 (1), and those fees should cover all the services of the public vaccinator, including such duties as visits to the homes of the children; attendances where the parent refuses to permit the vaccination to be performed; or attendances subsequent to vaccination as provided in paragraph 6 of the Vaccination Contract contained in the First Schedule of the Order.

Art. 3.—
Birth fees.

respect of every child whose birth has been registered in his District after the Thirty-first day of August, One thousand eight hundred and ninety-eight, or who is resident in his District and whose birth has been registered in some other District after that date, or has not been registered at all, except in the case of a child who has died or has been removed from the District before attaining the age of four months, or who has been duly certified to be successfully vaccinated otherwise than by the Public Vaccinator, or to be insusceptible of vaccination, or to have had smallpox, before reaching that age, or with regard to whom a certificate under Section 2 of the Act of 1898, *or a valid statutory declaration under*

3. But the Board recognize that circumstances may render it desirable in some districts that a higher fee than the prescribed minimum fee should be paid in respect of children at a considerable distance from the public vaccinator's residence, and they will be prepared to consider proposals on that point.

4. A fee for the primary vaccination of children will only be payable in cases of vaccination performed by the public vaccinator at the homes of the children, unless the Board have issued an order under the circumstances contemplated by section 7 of the Vaccination Act, 1898, requiring the guardians to provide vaccination stations and dispensing with the requirement as to the attendance of the public vaccinator at the homes of the children: [but see para. (b) opposite.]

5. Glycerinated calf lymph is supplied gratis by the Board to public vaccinators for the vaccinations under their contracts after the 1st of January, 1899.

6. The system of inspection of vaccination by inspectors of the Board and of awards to public vaccinators under section 5 of the Vaccination Act, 1867, will be continued.

[Except as shown in 4, the advice contained in this memorandum is applicable to the fees payable under the Vaccination Order, 1907.] See also on p. 260.

section 1 of the Vaccination Act, 1907, is in force ; (*h*)

Art. 3.

- (b) A payment of not less than two shillings and sixpence in respect of each case of successful vaccination performed by the Public Vaccinator at his surgery or elsewhere than at the home of the person vaccinated, where the case is that of

A person other than a child, (*i*) or

A child (*i*) whose age exceeds twelve months, and in whose case the parent or person having the custody of the child has requested that the child may be vaccinated elsewhere than at the home of the child, and the Public Vaccinator, having regard to the provisions of sub-section (4) of Section 1 of the Act of 1898, has satisfied himself that the child can be safely vaccinated :

Fees for vaccination and re-vaccination

- (c) A payment of not less than two shillings and sixpence in respect of each case of successful re-vaccination performed by the Public Vaccinator at his surgery or elsewhere than at the home of the person vaccinated.

elsewhere than at persons' homes.

- (d) A payment in respect of each case of successful vaccination (*k*) or of successful re-vaccination performed by the Public Vaccinator at

(*h*) The words in italics were added by the Vaccination Order (No. II.), 1907, see p. 219.

(*i*) See definition on p. 150. It is to be noted that payment for the public vaccination of a child when under twelve months of age is, by the Vaccination Order, 1907, provided for when the operation is not performed at the child's home.

(*k*) For fees to teachers of vaccination, see p. 195, and Art. 9 of the Vaccination Order, 1907, p. 212.

Art. 3.

—
Fees for
vaccination
and re-
vaccination
at homes.

the home of the person vaccinated or re-vaccinated of an amount not less than the sum specified in such one of the rules set forth in this paragraph as is applicable to the case ; that is to say—

Rule 1. Where the District is one which is wholly situate in the County of London, or is wholly situate in a Borough or in another Urban District, with a population, according to the returns of the last census for the time being, of not less than fifty thousand persons, the amount of the payment in every case shall be a sum not less than two shillings and sixpence.

Rule 2. Where the District is one of which a part only is situate in the County of London, or of which a part only is situate in a Borough or in another Urban District, with a population, according to the returns of the last census for the time being, of not less than fifty thousand persons, the amount of the payment in every case shall be a sum not less than two shillings and sixpence.

Rule 3. Where the District is one to which Rule 1 and Rule 2 are inapplicable, the amount of the payment in every case shall be a sum not less than three shillings and sixpence.

(e) Except so far as this subdivision otherwise provides, nothing in paragraphs (b), (c), and

(d) of this subdivision shall apply in any case in which during a period of twenty-four consecutive hours successful vaccination or successful re-vaccination has been performed by the Public Vaccinator upon two or more persons at one and the same home, or on any premises (other than the surgery of the Public Vaccinator) whereon those persons were together present at any time during the aforesaid period.

Art. 3.

In every such case, the amount to be paid to the Public Vaccinator shall in respect of the first person vaccinated or re-vaccinated, be the sum which being not less than the sum specified in such one of the Rules herein-before set forth as is applicable to the case of that person, is fixed in the Contract approved by Us, and in force for the time being, or, in any case to which subdivision (1) of Article 5 applies, is fixed by an Instrument executed in pursuance of that subdivision, and in respect of every other person vaccinated or re-vaccinated, the amount to be paid to the Public Vaccinator shall be such a sum as is fixed in the Contract approved by Us, and in force for the time being, or such a sum as, in any case to which subdivision (1) of Article 5 applies, is fixed by an Instrument executed in pursuance of that subdivision.

Conditions
of payment.

(f) Nothing in paragraphs (b), (c), (d), and (e) of this subdivision shall authorise a payment to the Public Vaccinator in respect of the

Age for re-
vaccination.

Art. 3.

re-vaccination of a person who is less than ten years of age, or who has been re-vaccinated within the period of ten years immediately preceding.

Payments,
how calcu-
lated.

(2.) The number of children in respect of whom payments are to be made in pursuance of paragraph (a) of subdivision (1) shall be the number of children in the Lists to be sent by the Vaccination Officer to the Public Vaccinator as provided by paragraph 6 (a) of the "Instructions to Vaccination Officers" in the Fourth Schedule to this Order, together with the number of children not included in those Lists, but vaccinated by the Public Vaccinator himself.

How and
when paid.

(3.) Every payment to be made to the Public Vaccinator in accordance with this Article shall, subject to such of the provisions of this Article as fix the least amount payable, be of such amount, and shall be made at such times, and subject to such conditions as are fixed and prescribed in the contract approved by Us, and in force for the time being, or of such amount as, in any case to which subdivision (1) of Article 5 applies, is fixed by an Instrument executed in pursuance of that subdivision.

Postage
stamps.

(4.) Every payment made to the Public Vaccinator in accordance with this Article shall be deemed to include any expense in respect of postage incurred by the Public Vaccinator, unless otherwise agreed between him and the Guardians.

Art. II. of the Vaccination Order, 1907, is to be read in here, as follows :—

No pay-
ments

No payment shall be made to the Public

Vaccinator in respect of any case of vaccination or re-vaccination *(l)* unless the operation has been performed in accordance with the Rules and Regulations made by Us and in force for the time being, and unless the provisions of the Vaccination Acts, 1867 to 1898, have been duly observed in relation to the case.*(m)*

Art. 3.

—
unless Acts and regulations observed.

Art. 4.—Where a workhouse is a vaccination district, every vaccination contract made after the commencement of this Order with the medical officer of the workhouse for the vaccination of persons resident therein shall be made in the Form set out in the Second Schedule *(n)* hereto, with such modifications, if any, as the guardians and the contractor shall, with our approval, adopt; and shall provide for a payment of not less than two shillings and sixpence in respect of each successful primary vaccination or re-vaccination performed by him under his contract.*(o)*

Workhouse, vaccination in.

Form of contract.

Minimum fee.

By the Vaccination Order, 1907, the following subdivision has been substituted for subdivision (1) of Article 5 of the Vaccination Order, 1898 :—

(l) Re-vaccination. The order of 1898 modified and enlarged the practice with regard to re-vaccination. Any person may now be re-vaccinated at the public expense at any time after attaining the age of ten years, and the same person may be re-vaccinated at the public expense once every ten years during the remainder of his life.

(m) See Arts. 7-9 of the Vaccination Order, 1898, p. 134; the "Instructions to Public Vaccinators," p. 162; the provisions of the vaccination contract, p. 151; and section 7 of the Vaccination Act, 1871 (p. 88).

(n) Page 156.

(o) This fee may be increased if the guardians desire it. See note to Art. 3, *ante*, p. 125.

Art. 5.

—
Existing
contracts to
remain in
force.

Substitution
of new
duties

and fees.

Approval of
L. G. B.

Art. 5.—(1.) Any contract for public vaccination, other than a contract made with the medical officer of a workhouse for the vaccination of the persons resident therein, which is in force on the Twenty-first day of May, One thousand nine hundred and seven, shall continue in force until the same has been determined by the death of the contractor or by notice as therein provided, or by Us, or until a new contract has been entered into with the contractor and has been approved by Us in place thereof; and the contract which is so continued in force shall, as from the First day of October, One thousand nine hundred and seven, be deemed, as regards the duties of the Public Vaccinator, in lieu of the provisions in that behalf therein contained, to require the Public Vaccinator to perform the duties prescribed by this Order, or specified in a Contract in the Form in the First Schedule (*r*) hereto, and as regards the remuneration of the Public Vaccinator, in lieu of the payments mentioned in the contract continued in force, to provide for the payment of the Public Vaccinator by the Guardians after such rates as, in relation to the District, are, before the Thirty-first day of December, One thousand nine hundred and seven, set forth in an Instrument which shall be executed by Us, and of which one copy shall be sent to the Guardians, and one copy shall be sent to the Public Vaccinator.

For the purposes of this subdivision, and of any Instrument to be executed in pursuance thereof, the provisions of Article 3 of this Order shall have effect, subject to such adaptations or modifications as are made by Instrument.

Art. 5.

Settlement of
differences
as to fees.

If any difference arises between the Guardians and the Public Vaccinator in relation to the Instrument, or to any matter or thing affected by the instrument, the difference shall, on the application of the Guardians or of the Public Vaccinator be determined by Us, and the contract continued in force by this subdivision shall have effect subject to Our determination of the difference.

Existing
workhouse
contracts.

Substitution
of new
duties
and fees.

Approval of
L. G. B.

(2.) Any contract made under the Vaccination Act of 1867 with the medical officer of a workhouse for the vaccination of the persons resident therein which shall be in force at the commencement of this Order shall continue in force until the same shall have been determined by the death of the contractor or by notice or otherwise as therein provided, or by us, or until a new contract shall be entered into with the contractor, and shall have been approved by us, and such contract shall be deemed, as regards the duties of the public vaccinator, in lieu of the provisions in that behalf therein contained, to require the public vaccinator to perform the duties prescribed by this Order or specified in the form of contract in the Second Schedule (s) hereto, and, as regards the remuneration of the medical officer as public vaccinator, in lieu of the payments in such contract specified, to provide for the payment by the guardians of such payment as is prescribed by Article 4 of this Order, the amount of such payment being such as may be agreed upon by the guardians and the medical officer before the 1st day of January, 1899, and may be approved by us, or if the amount of such payments shall not be so settled then, as may be determined by us.

Art. 6.*Duties of Public Vaccinator.*

Personal
perform-
ance.

Art. 6.—Every public vaccinator shall diligently perform the duties imposed on him by his contract or by this Order ; and shall perform such duties in person, except when, on account of reasonable absence from the district, or on some other sufficient ground, he shall be obliged to leave any of them to be performed by a duly qualified (*t*) deputy approved by the guardians.

Depnty.

Visiting
child's
home.

Art. 7.—(1.) The visit of the public vaccinator to the home of a child, whether on request of the parent or other person having the custody of the child, or after notice from the vaccination officer, shall be made not earlier than 9 o'clock in the morning, nor later than 4 o'clock in the afternoon, unless some other time shall have been arranged between the public vaccinator and the parent or such other person. In either case at least twenty-four hours' notice shall be given by the public vaccinator of his intention to visit the home of the child, unless the parent or other person having the custody of the child otherwise agrees in any case where the visit is made at his request. In the case of a visit after notice from the vaccination officer, the notice of the intention to visit shall be in the Form I. (*u*) set out in the Fifth Schedule hereto, or to the like effect.

Time.

Notice.
By agree-
ment.

Form of
notice.

Limitation
of time for
visit.

(2.) The visit of the public vaccinator to the home of a child, whether on request of the parent or other person having the custody of the child, or after notice from the vaccination officer, shall, in the

(*t*) For information as to the qualifications of a deputy to a public vaccinator, see *ante*, p. 123.

(*u*) Page 184.

absence of any sufficient reason for delay, (x) be made within *four* (y) weeks after receipt of the request or notice, as the case may be. Art. 7. —

(3.) The public vaccinator shall enter in the proper columns of the list of children sent to him in the Form H.(z) set out in the Fifth Schedule hereto by the vaccination officer in respect of whom the necessary certificates or *statutory declarations* (a) have not been received by such officer the several particulars as to each visit made by him ; and shall, within one month from the receipt of such notice, return the same to the vaccination officer, with such particulars duly inserted.

Entries in lists.

Returning lists to vaccination officer.

(4.) This Article shall not apply to public vaccinators under contracts for the vaccination of persons resident in a workhouse.

Art. 8.—In the performance and inspection of all vaccinations under contract and otherwise in relation thereto, every public vaccinator shall observe the “Instructions to Vaccinators under Contract” (b) in the Third Schedule hereto.

Instructions to vaccinators.

Art. 9.—Every public vaccinator shall duly register all vaccinations performed by him in a register in the Form O.(c) set out in the Fifth Schedule hereto, and

Vaccinator's register.

(x) See note (c) to section 1 of the Vaccination Act, 1898, *ante*, p. 105.

(y) The word “Four” was substituted for two by Art. 4 of the Vaccination Order, 1907, see p. 210.

(z) Page 182. See especially the note appended to that form as to the particulars to be entered therein.

(a) The words in italics were added by the Vaccination Order (No. II.), 1907, see p. 219.

(b) Page 159.

(c) Page 190.

Art. 9. in manner directed in the "Instructions to Vaccinators under Contract" (d) in the Third Schedule hereto.

Appointment of Vaccination Officers.

Sufficient
number.

Power of
L. G. B.

Smallpox
outbreaks.

Appoint-
ment of
temporary
assistants.

Approval of
L. G. B.

Notice of
proposed
appoint-
ment.

Advertis-
ement.

Art. 10.—(1.) Where the number of vaccination officers already appointed or hereafter appointed in any poor law union shall at any time, in the opinion of the guardians or in our opinion, be insufficient for the purpose of securing the due execution of the Vaccination Acts, 1867 to 1898, in such union, the guardians shall, with our approval, or on our requisition, appoint a sufficient number of such officers.

(2.) Whenever, in consequence of an outbreak of smallpox, or for other cause, it may appear to the guardians or to us to be requisite that temporary assistance should be provided for any vaccination officer in the discharge of his duties, the guardians may and, if so directed by us, shall appoint an assistant or assistants to the vaccination officer for such time as the guardians may deem necessary or we may direct.

Art. 11.—(1.) Every appointment of a vaccination officer made after the commencement of this Order shall be subject to our approval.

(2.) Notice of a proposal to appoint a vaccination officer shall be given at one of the two ordinary meetings next preceding the meeting at which the appointment is to be made, such notice being duly entered on the minutes, or else an advertisement specifying the district for which, and the date of the meeting at which, such appointment is proposed to

be made, together with the rate of remuneration to be paid, shall be published in some newspaper circulating in the union at least seven days before the day fixed for the appointment. Art. 11.
—

Art. 12.—The *Clerk to the*(e) guardians shall furnish the vaccination officer with a copy of the resolution(f) appointing him signed by the chairman of the meeting at which the appointment was made, or of the ensuing meeting; or, in the case of any vaccination officer appointed before the commencement of this Order, with a copy of such resolution under the seal of the guardians. Resolution appointing.

Copy for vaccination officer under seal.

Art. 13.—Every appointment of a vaccination officer shall, within seven days after it is made, be reported to us by the clerk to the guardians, who shall furnish such particulars relating thereto as we may require. Reporting to L. G. B.

Art. 14.—If any vaccination officer is at any time prevented by sickness or accident or other sufficient reason from performing his duties, the guardians shall appoint a competent person to act as his temporary substitute, and such person shall be deemed to be the vaccination officer. It shall not be necessary in any such case that the foregoing Articles as to appointment, except Article 12, should be complied with, nor shall our approval be required to any such temporary appointment. Illness of vaccination officer.
Temporary substitute.

Art. 15.—(1.) In the event of a vacancy in the Filling vacancy.

(e) The words in italics were added by Art. 5 of the Vaccination Order, 1907.

(f) The object of this provision is to enable the vaccination officer to prove his appointment when he takes proceedings against defaulters.

Art. 15. office of vaccination officer at or after the commencement of this Order, the clerk to the guardians shall report it to us, and the guardians shall (*g*) make a fresh appointment without delay, unless we shall otherwise direct.

Temporary
appoint-
ment.

(2.) If the guardians are unable to fill up the vacancy forthwith, they shall appoint a person to act temporarily, subject to our approval.

Tenure of Office of Vaccination Officers.

Permanent
appoint-
ments.

Art. 16.—Every vaccination officer appointed under this Order shall continue to hold the office until he shall die, or resign, or be removed by the guardians with our consent, or by us, or shall be proved to be insane by evidence which we shall deem sufficient.

Refusal by
vaccination
officer to
agree to
changes.

Art. 17.—Where a vaccination officer is appointed for a particular district, and any change in the extent of the district may be deemed necessary, and he shall decline to acquiesce therein, the guardians

(*g*) As to the enforcement of this duty, see *Reg. v. Kettering Guardians*, cited in note (*d*) on p. 87, *ante*; *Reg. v. Wellingborough Guardians* (63 J. P. 296); and *Reg. v. Northampton Guardians* (63 J. P. 296). In all these cases the Court granted a rule *nisi* for a mandamus, and the guardians decided not to resist further, but appointed a vaccination officer.

In *Reg. v. Leicester Guardians* (*Times*, 29th July, 1899), the rule was made absolute. On 21st November, 1899, a rule *nisi* for an attachment was obtained against the guardians, and at a meeting held by them on the same day they resolved to appoint a vaccination officer.

In this and the last two of the previous cases, the guardians had to pay the costs. See also note on p. 237.

At the audit of the accounts of the Guardians of the Wellingborough Union in March, 1900, the District Auditor surcharged those guardians who voted against the appointment of a vaccination officer in the amount of the costs entailed by the mandamus proceedings (*Local Government Journal*, 24th March, 1900).

may after six months' notice in writing, signed by Art. 17. their clerk, and given to such vaccination officer, — determine his office subject to our consent.

Art. 18.—No person shall be appointed a vaccination officer who does not agree to give one month's notice previous to resigning the office, or to forfeit such sum as may be agreed upon as liquidated damages. Resignation notice.

Art. 19.—If any such officer gives notice of an intended resignation to take effect on a future day, the guardians may appoint a successor at any time subsequent to such notice. Appointing successor.

Remuneration of Vaccination Officers.

Art. 20.—(1.) The remuneration (*h*) of every vacci-

(*h*) *The following Memorandum on the subject of the fees to be paid to vaccination officers has been issued by the Local Government Board. It is in continuation of the Memorandum printed on pp. 125 and 126, ante:—*

7. In the case of vaccination officers again the fees specified in the Order are only minimum fees, and where the circumstances appear to require it, higher fees if approved by the Board may be fixed. It will be observed that under Article 20 of the Order the minimum fee in the case of certificates of successful vaccination is three times the minimum fee for cases included in the Birth Lists, and the Board consider that where fees in excess of the minimum are proposed the difference between the two classes of fees should not be in a less proportion. Vaccination officers.

8. The fee for the copying, certifying, and transmission by the vaccination officer of certificates of successful vaccination in the cases of children born in the district of another vaccination officer, in accordance with Article 20 (1), (c), should not be less than the fee for the registration of certificates under Article 20 (1), (b).

9. The guardians before they submit to the Board their proposals as regards the remuneration of the vaccination officer should inform the vaccination officer of the scale of fees proposed, and when the application for the Board's sanction is made it should be stated

Art. 20. nation officer, whether appointed before or after the
— commencement of this Order, shall consist of

Birth fees. (a) a payment of not less than threepence in respect of each child entered on the birth lists sent to him after the 31st day of December, 1898, by the Registrar of Births and Deaths ;

Fees for successful vaccination registered. (b) a payment of not less than ninepence in respect of the registration by him after the same date in his vaccination register of the successful vaccination of any child born in his district ; and

For copy certificates sent to other officers. (c) a payment of not less than ninepence in respect of the transmission by him after the same date to the vaccination officer of the district where the birth was registered of a copy, certified by him, of the certificate of successful vaccination in his district of any child not born in the district, a note of which he shall have entered in column 18 of his report book.(i)

Increase or diminution. (2.) Subject to the above provisions as to the minimum, the amount of such payments shall be such as we may approve or direct ; and shall be increased or reduced, and such additional payment shall be made for extraordinary services of the vaccination officer, or under other unforeseen circumstances, as we shall from time to time approve or direct.

Postage stamps. (3.) The remuneration of the vaccination officer
whether this has been done, and, if so, on what date and whether any objection has been offered by the vaccination officer to the proposal. A copy of any such objection should be forwarded to the Board.

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(i) Page 186.

shall be deemed to include any expense in respect of Art. 20.
postage incurred by him, unless otherwise agreed —
between him and the guardians.

Art. 21.—The remuneration of every vaccination officer shall be payable up to the day on which he ceases to hold the office, and no longer, subject to any deduction which the guardians may be entitled to make under Article 18. Date to which fees payable.

Art. 22.—Subject to the provisions of Article 23, the remuneration assigned to every vaccination officer shall be payable quarterly, namely, at Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day; but the guardians may pay to him at the expiration of every calendar month such proportion as they may think fit on account of the remuneration to which he may become entitled at the termination of the quarter. Quarterly payments.
Monthly payments on account.

Art. 23.—Every vaccination officer shall make out an account at the end of each quarter, and submit it to the guardians, together with the books which he may be required to keep, and the certificates *and statutory declarations* (*k*) in his possession; and until such account, books, *statutory declarations* (*k*) and certificates have been so submitted, the guardians may postpone the payment of the remuneration which may then remain due. Quarterly accounts, books, and certificates. to go to guardians.
Postponing payment.

Art. 24.—(1.) The guardians may pay a reasonable remuneration to any temporary assistant to the Remuneration, temporary assistants and substitutes.

(*k*) The words in italics were added by the Vaccination Order (No. II.), 1907, sec p. 219.

Art. 24. vaccination officer, or to any temporary substitute for — the vaccination officer, whom they appoint, and shall pay such remuneration as we may direct to any such assistant whose appointment has been made in pursuance of our directions.

After six weeks.

(2.) No remuneration to any temporary assistant or substitute shall be paid for a longer period than six weeks, unless our consent is obtained thereto.

Duties of Vaccination Officers.

Personal performance.

Art. 25.—Every vaccination officer shall, subject to the provisions of Article 14, perform the duties of his office in person, unless, with our permission given on the application of the guardians, he shall be allowed to entrust the performance of all or any of them to some deputy approved by such guardians.

Deputy.

To observe instructions.

Art. 26.—Every vaccination officer shall duly observe the “Instructions to Vaccination Officers”^(l) contained in the Fourth Schedule hereto.

Produce books, certificates, &c.

Art. 27.—(1.) Every vaccination officer shall, when required by the guardians, produce to them his books and the certificates *and statutory declarations* (*m*) in his possession, and the lists sent by him to the public vaccinator of children in respect of whom the necessary certificates *or statutory declarations* (*m*) have not been received by him, when such notices have been returned to him filled up by the public vaccinator; and shall within seven days after the expiration of

(l) Page 162. See also Art. 6 of the Vaccination Order, 1907, *post*, p. 210.

(m) These words were added by the Vaccination Order (No. II.), 1907, see p. 220.

each month submit to the guardians a copy of the summary of his proceedings under the Vaccination Acts, 1867 to 1898, which he is required to keep by paragraph 12 of the "Instructions to Vaccination Officers" (n) in the Fourth Schedule hereto, so far as it relates to that month.

Art. 27.

—
Monthly
summary of
proceedings.

(2.) He shall, when required by the guardians, give them full information as to any legal proceedings taken by him as vaccination officer; and, subject to the provisions of the Vaccination Acts, 1867 to 1898, and of this Order, shall obey all lawful orders of the guardians which are applicable to his office.

Give infor-
mation to
guardians.
Obey lawful
orders.

Art. 28.—The guardians shall, from time to time, ascertain whether the vaccination officer is performing the duties imposed on him by the Vaccination Acts, 1867 to 1898, of enforcing the provisions of those Acts, and the duties imposed on him by this Order, and shall (o) require the due performance by him of

Guardians
to see duties
done, or
report to
L. G. B.

(n) Page 172.

(o) By this Article the guardians are to require the vaccination officer to duly perform the duties imposed upon him by the Vaccination Acts. Probably this Article can be enforced only at the instance of the Local Government Board. It has been held that a sanitary authority has not sufficient legal interest to entitle them to a mandamus to compel the guardians of the poor law union in which the sanitary district is situated to take effective measures to enforce vaccination (*Lewisham District Board of Works v. Lewisham Guardians*, (1897) 1 Q. B. 498). And in *Reg. v. Mile End Old Town Guardians*, where a mandamus to the guardians requiring them to authorize proceedings by a vaccination officer against persons in default was refused on the ground that there was no proof of refusal by the guardians, it appeared to be the opinion of Mr. Justice Wright that a ratepayer residing in the union had not a sufficient legal interest to justify the Court in granting a mandamus. He did not, however, definitely decide that point. Mr. Justice Lawrence, on the other hand, said in the course of his judgment, "Speaking for myself alone, I have no doubt that the applicant is a proper person to take the proceedings" (*Local Government Chronicle*, 1893, p. 509).

- Art. 28. such duties ; and, in case of any continued neglect on his part, shall report the same to us.

Costs and Expenses of Vaccination Officer.

Costs of proceedings.

Art. 29.—(1.) The guardians shall pay the reasonable costs and expenses incurred by the vaccination officer in any proceedings (*p*) taken by him for enforcing the provisions of the Vaccination Acts, 1867 to 1898, including the reasonable costs of obtaining any necessary legal assistance (*q*) in connection with

Legal assistance.

(*p*) As to the power of the vaccination officer to take proceedings against defaulters, see pp. 66, 69, and 236. Although this Article requires the guardians to pay the costs of proceedings, this probably refers only to proceedings before a court of summary jurisdiction. If a vaccination officer desires to appeal to the High Court against the decision of justices, he should take the direction of the guardians on the subject if in case of failure he wishes the guardians to be charged with the costs.

(*q*) Many Boards of Guardians desire that when the vaccination officer employs a solicitor he shall employ their clerk, if the clerk is a solicitor. The vaccination officer is not bound, perhaps, to comply with this desire, but there are many obvious reasons why he should do so, when the clerk is competent and willing to do the work.

On the 27th March, 1903, the President of the Local Government Board was asked in the House of Commons whether he would take steps to prevent vaccination officers from engaging legal advisers without consultation with or the consent of the guardians. Mr. Walter Long replied as follows :—

“ I must point out that the duty of the vaccination officer to take proceedings in cases of default is quite independent of any directions from the guardians. In cases where the guardians are opposed to the enforcement of the Vaccination Acts it would obviously be impossible for the vaccination officer to carry out the duty referred to if he had to obtain the consent of the guardians to the legal assistance which was requisite for the purpose ; and I am advised that it is a necessary incident of the statutory duty of the vaccination officer that he should have authority to engage legal assistance where this is required.”

In *Rex. v. Wellingborough Guardians* (1904), 68 J. P. 179, the Court directed a mandamus to issue requiring the guardians to pay to their vaccination officer the reasonable costs of obtaining necessary legal assistance in connection with the institution and conduct of proceedings taken by him under the Vaccination

the institution and conduct of any such proceedings; Art. 29.
and the vaccination officer shall within seven days after
the receipt of any sum of money recovered or received
by him from any defendant in respect of such costs or
expenses, or in respect of any penalty under the said
Acts, pay the same to the treasurer of the guardians
to their credit (r).

—
Payment of
costs re-
ceived to
treasurer.

Acts. The questions as to how far legal assistance was necessary and the costs were reasonable expenses were left to be dealt with on the return of the writ.

Upon the return terms were agreed between the parties and further proceedings were stayed (*Local Government Chronicle*, 1904, p. 735).

In *Hitchcock v. Wandsworth and Clapham Guardians* and *Cheshire v. The Same* ((1904), 68 J. P. 348; 2 L. G. R. 1260; 20 T. L. R. 458), the vaccination officers were sued for costs by an assignee of the solicitor who on their behalf conducted proceedings against defaulters under the Vaccination Acts. The guardians had previously refused to pay a solicitor's bill of costs incurred in similar proceedings. In the actions against them the vaccination officers both pleaded that they were entitled to be indemnified by the guardians for the amounts claimed from them. Judgment was given in favour of the vaccination officers and against the guardians: CHANNELL J. held that the Board of Guardians had no power to overrule the decision of the vaccination officer to employ legal assistance; that the Court might review that decision; but that it would not interfere if it found that the officer had exercised his discretion *bonâ fide*.

(r) There is nothing in the Vaccination Acts to indicate that sums of money recovered as penalties for disobedience to or non-compliance with their provisions are to be applied in any particular way. Such sums of money must therefore be paid over in the manner indicated in sect. 31 of 11 & 12 Vict. c. 43, which is incorporated with the Vaccination Acts by sect. 33 of the Vaccination Act, 1867 (30 & 31 Vict. c. 84).

Sect. 31 of 11 & 12 Vict. c. 43, provides as follows:—"And be it enacted, that in every warrant of distress to be issued as aforesaid the constable or other person to whom the same shall be directed shall be thereby ordered to pay the amount of the sum to be levied thereunder unto the clerk of the division in which the justice or justices issuing such warrant shall usually act; and if any person convicted of any penalty, or ordered by a justice or justices of the peace to pay any sum of money; shall pay the same to any constable or other person, such constable or other person shall forthwith pay the same to such

Art. 29. (2.) The guardians shall also pay the costs incurred by the vaccination officer in binding the birth list sheets as provided in paragraph 4 (s) of the "Instructions to Vaccination Officers" contained in the Fourth Schedule hereto.

—
Binding
birth lists.

Printing
names and
addresses
on forms
and notices.

(3.) If the guardians think fit to direct that the names and address of the vaccination officer, or of the public vaccinator, as the case may be, shall be printed on any of the forms and notices prescribed by this Order, the vaccination officer shall cause the same to be so printed, and the guardians shall pay the cost of such printing.

Forms.

Prescribing
forms.

Art. 30.—The Forms to be used for the purposes of the Vaccination Acts, 1867 to 1898, and Orders

clerk; and if any person committed to prison upon any conviction or order as aforesaid for non-payment of any penalty, or of any sum thereby ordered to be paid, shall desire to pay the same and costs before the expiration of the time for which he shall be so ordered to be imprisoned by the warrant for his commitment, he shall pay the same to the gaoler or keeper of the prison in which he shall be so imprisoned, and such gaoler or keeper shall forthwith pay the same to the said clerk; and all sums so received by the said clerk shall forthwith be paid by him to the party or parties to whom the same respectively are to be paid, according to the directions of the statute on which the information or complaint in that behalf shall have been framed; and if such statute shall contain no such directions for the payment thereof to any person or persons, then such clerk shall pay the same to the treasurer of the county, riding, division, liberty, city, borough, or place for which such justice or justices shall have acted, and for which such treasurer shall give him a receipt without stamp. . . ."

When a penalty under the Vaccination Acts is recovered before a metropolitan police magistrate, it must be paid to the Receiver of the Metropolitan Police (2 & 3 Vict. c. 71, ss. 7, 45 and 46). See also *Gill and Douglas's Summary Jurisdiction Acts*, under sect. 31 of 11 & 12 Vict. c. 43.

(s) Page 164.

thereunder, shall be those set out in the Fifth Schedule (t) hereto, and the same shall be used as follows :— Art. 30.

- (1.) The notice to be given by the Registrar of Births and Deaths under section 15 of the Act of 1867 shall be in Form A.(u) or to the like effect. Copies of Forms B., C., D., and E. shall be attached thereto, and the name and address of the vaccination officer shall be written or printed on the back thereof. Notices given by registrars.
Printing addresses thereon.
- (2.) The certificate of postponement of vaccination to be given under section 18 of the Act of 1867, shall be in Form B.(x) or to the like effect; provided that if such certificate is given by a public vaccinator in pursuance of sub-section 4 of section 1 of the Act of 1898, the same shall be in Form C.(y) or to the like effect. Postponement certificate.
- (3.) The certificate of insusceptibility of vaccination to be given under section 20 of the Act of 1867 shall be in Form D.(z) or to the like effect. Insusceptibility certificate.
- (4.) The certificate of successful vaccination to be given under section 21 or section 23 of the Act of 1867, or section 7 of the Act of 1871, shall be in Form E.(a) or to the like effect. Successful vaccination certificate.

Art. 30 was amended by Art. 7 (see *post*, p. 211) of the Vaccination Order, 1907, so as to cover the forms substituted by that Order for those contained in schedules to the Order of 1898.

(t) Page 174.

(x) Page 177.

(z) Page 179.

(u) Page 174.

(y) Page 178.

(a) Page 180.

- Art. 30.** —
Certificate after examination.
- (5.) The certificate to be given by the public vaccinator in the cases provided for in section 12 of the Act of 1871 shall be in Form F.(b) or to the like effect.
- Parent's request for vaccinator to call.
- (6.) The request by a parent, or other person having the custody of a child, under subsection (2) of section 1 of the Act of 1898, may be in Form G.(c) or to the like effect.
- List: children due for vaccination.
- (7.) The list to be sent by the vaccination officer to the public vaccinator as required by paragraph 6 (a) (d) of the "Instructions to Vaccination Officers" shall be in Form H.(e)
- Notice of vaccinator's intended visit.
- (8.) The notice to be given by the public vaccinator of his visit to the home of a child under subsection (3) of section 1 of the Act 1898 shall be in Form I.(f) or to the like effect.
- Notice of default.
- (9.) The notice of default to be given by the vaccination officer to the parent, or other person having the custody of the child, as provided in paragraph 6 (d) of the "Instructions to Vaccination Officers" shall be in Form K.(g) or to the like effect.
- Vaccination register.
- (10.) The vaccination register to be kept by the vaccination officer as provided in the "Instructions to Vaccination Officers" shall be in Form L.(h), and the columns for the same shall be printed on the same sheet as the birth list sheets to be sent to the vaccination officer by the Registrar of Births and Deaths.

(b) Page 181.
(d) Page 165.
(f) Page 184.
(h) Page 185.

(c) Page 182.
(e) Page 182.
(g) Page 184.

- (11.) The report book to be kept by the vaccination officer as provided by paragraph 8 (*i*) of the "Instructions to Vaccination Officers" shall be in Form M.(*j*) Art. 30.
—
Report book.
- (12.) The summary of proceedings under the Vaccination Acts, 1867 to 1898, required to be kept by the vaccination officer as provided in paragraph 12 (*k*) of the "Instructions to Vaccination Officers" shall be in Form N.(*l*) Summary of
proceedings.
- (13.) The vaccinator's register to be kept by the public vaccinator as provided in Article 9 (*m*) of this Order shall be in Form O.(*n*) Public
vaccinator's
register.
- (14.) The notice to be given by the public vaccinator to the medical officer of health under sub-section (4) (*o*) of section 1 of the Act of 1898 shall be in Form P.(*p*) or to the like effect. Notice to
medical
officer of
health of
insanitary
house, &c.
- (15.) A form Q. was added by Art. 7 of the Vaccination Order, 1907 ; see pp. 192 and 212. |

Provided that the Forms B., C., D., and E. in the Schedule to the Order issued by us on the 30th day of November, 1871, may continue to be used, in place of the Forms B., D., E., and F. in the Schedule to this Order, respectively, until we otherwise direct.(q)

(*i*) Page 169.

(*j*) Page 186.

(*k*) Page 172.

(*l*) Page 188.

(*m*) Page 135.

(*n*) Page 190.

(*o*) Page 103.

(*p*) Page 192.

(*q*) This proviso was repealed by Art. II. of the Vaccination Order (No. II.), 1907 (see p. 218). The following provision was there made in its place :—

"The Forms B., C., D., E., and F." (*i.e.* the forms of certificate of postponement of vaccination on account of ill-health, insusceptibility, successful vaccination, and the certificate of successful vaccination under sect. 12 of the Vaccination Act,

Art. 31.

Definitions.

-
- Art. 31.—In this Order—
- Workhouse. The term “workhouse” means any workhouse, school, or infirmary which is under the management of a board of guardians.
- Child. The term “child” means any person not more than fourteen years of age.

Short Title.

Art. 32.—This Order may be cited as the Vaccination Order, 1898.

1871), “in the Fifth Schedule to the Order of 1898, may continue to be used in place of the Forms B, C, D, E, and F in the Second Schedule to the Order of 1907, until we otherwise direct.”

N.B.—The Forms B., C., D., E., and F., printed on pp. 177 to 181, are the new forms of the Order of 1907. The changes consist only in the re-arrangement of the spaces in order to carry out a suggestion made by certain public vaccinators to the Departmental Committee on Vaccination Expenses referred to on p. 35 of the Introduction.

Wherever a vaccination officer or public vaccinator has the old forms in stock, he may use them instead of the new corresponding forms.

The SCHEDULES above referred to.

<p><i>The following Schedule is substituted by the Vaccination Order, 1907, for the corresponding Schedule in the Order of 1898.</i></p>	<p>Sched. 1. —</p>
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FIRST SCHEDULE.

Form of Vaccination Contract.

ARTICLES OF AGREEMENT entered into this day of
 , One thousand nine hundred and
between of the one part, and the Guardians
of the Poor of the Union, in the County of
 , of the other part.

WHEREAS the said Guardians have, in pursuance of the several Statutes in that behalf, with the approval of the Local Government Board, divided the Union aforesaid into Districts for the purpose of Vaccination, one of which districts comprises the Parishes and Places following ; that is to say, _____, and the said Guardians have agreed with the said _____ to enter into a Contract for the performance of Vaccination in the said District.

NOW, THEREFORE, the said doth hereby covenant and agree with the said Guardians and their successors that, from and after the day of , he will (subject to any Order as to Vaccination made by the Local Government Board under Section 7 of the Vaccination Act, 1898) by himself or (when he shall be unable to perform his duties in person) by the deputy who is herein-after mentioned, or who may hereafter be approved by the Guardians, and whose name may be endorsed hereon, duly and according to the requirements of the Acts and Orders relating to Vaccination perform the following duties :—

- (1.) In the case of every child resident in the District, on the request of the parent or other person having the custody of the child, he will, within four weeks after the receipt of such request, visit the home of the child for the purpose of vaccinating the child.

Sched. 1.

—

- (2.) In the case of every child resident in the District who has reached the age of four months, and as to whom he has received the requisite notice from the Vaccination Officer, he will visit the home of the child within four weeks after the receipt of the notice, and offer to vaccinate the child with glycerinated calf lymph, or such other lymph as may be issued by the Local Government Board, and if this offer is accepted will thereupon (or after such postponement, if any, as may in his opinion be necessary) so vaccinate the child.
- (3.) In the case of a child whose age exceeds twelve months and in whose case the parent or person having the custody of the child, has requested that the child may be vaccinated elsewhere than at the home of the child and he, having regard to the provisions of subsection (4) of Section 1 of the Vaccination Act, 1898, has satisfied himself that the child can be safely vaccinated, he will perform the operation at his surgery or at such other place as may be arranged by him with the parent or person having the custody of the child.
- (4.) In the case of any person other than a child, who applies to him for primary vaccination, or of any person applying to him for re-vaccination, who is not less than ten years of age, and has not been previously re-vaccinated within a period of ten years, he will, if so requested, visit the home of the person for the purpose of vaccinating or re-vaccinating him, or will, if not so requested, perform the operation at his surgery, or at such other place as may be arranged by him with the person so applying.
- (5.) In every such case he will do and perform all such acts and things as, to the best of his judgment, and in accordance with the Rules and Regulations in force as to Vaccination, shall seem to him necessary for the purpose of causing the vaccination to be successfully terminated.
- (6.) In every case in which he has performed vaccination he will, not less than six days or more than fourteen days after the operation, attend at the place where the vaccination was performed, or, in the case of a re-vaccination, at such other place as may be arranged, and inspect the result of the vaccination or re-vaccination; and will thereafter do such acts, and

give such directions, and otherwise treat the case as may be necessary. Sched. 1.

- (7.) If any child vaccinated by him shall, in his opinion, require medical treatment in consequence of the vaccination, he will, if the parent or other person having the custody of the child consent, attend the child and prescribe such treatment as may be required.
- (8.) He will keep a book, to be termed "The Vaccinator's Register," according to the form prescribed by the Local Government Board, to be provided for him by the said Guardians, and will, on the same day on which he shall have vaccinated any person to whom this Contract shall apply, and on the same day on which he shall have inspected the results of the vaccination of such person, make the entries respectively applicable to the vaccination and the inspection of the results of the vaccination, and will on the day next before the first ordinary meeting of the said Guardians in every quarter of the year, and also at such other times as may be required by the Guardians or for purposes of audit, deliver, or cause to be delivered to their Clerk, the book in which he shall have made such entries during the interval preceeding such meeting or audit.
- (9.) He will make out an account at the end of every quarter of the sums payable to him under this Contract, and will cause the same to be delivered to the Clerk to the Guardians as soon as practicable after the end of the quarter.
- (10.) He will perform any other duties in regard to vaccination which may be imposed on him by the Vaccination Acts, 1867 to 1898, or by any Rules and Regulations of the Local Government Board under those Acts.

AND the said Guardians do, for themselves and their successors, covenant and agree with the said as follows:—

That is to say—to pay him, his exeecutors or administrators, within one calendar month (*r*) after Lady Day, Midsummer

(*r*) It should be borne in mind that by the terms of the contract the payments are to be made within one month of the usual quarter days, and that if the payments are not promptly made, there may be a difficulty in recovering them, as, by the 22 & 23 Vict. c. 49, s. 1, if the guardians do not pay the demand during the half-year within which it becomes due, or within

Sched. 1. Day, Michaelmas Day, and Christmas Day respectively, during the subsistence of this Contract, and within one month after its termination, the following sums:—

- (1.) A sum of in respect of every child whose birth has been registered in his district after the Thirty-first day of August, One thousand eight hundred and ninety-eight, or who is resident in his district and whose birth has been registered in some other district after that date, or has not been registered at all, except in the case of a child who has died or has been removed from the district before attaining the age of four months, or who has been duly certified to be successfully vaccinated otherwise than by the Public Vaccinator, or to be insusceptible of vaccination, or to have had smallpox, before reaching that age, or with regard to whom a certificate under Section 2 of the Vaccination Act, 1898, or a valid statutory declaration under Section 1 of the Vaccination Act, 1907,(s) is in force.

- (2.) A sum of in respect of each case of successful vaccination performed by the Public Vaccinator at his surgery or elsewhere than at the home of the person vaccinated where the case is that of—

A person other than a child, or

A child whose age exceeds twelve months and in whose case the parent or person having the custody of the child has requested that the child may be vaccinated elsewhere than at the home of the child, and the Public Vaccinator, having regard to the provisions of subsection (4) of Section 1 of the Vaccination Act,

three months afterwards, they cannot subsequently do so without an order of the Local Government Board, who, however, are not empowered to extend the period of payment beyond twelve months from "the date of such claim or demand." See *Baker v. Billericay Union*, 9 Jur. (N.S.) 1201; 9 L. T. (N.S.) 486; 33 L. J. M. C. 40, as to the limitation of time for recovery of debts under that statute. Fees due for the quarter ending, say, 25th March, will become due within one month afterwards, i.e. during the half-year ending 29th September, and if they are not paid during that half-year, or within three months after its termination, according to the terms of the Act, the guardians will not then be empowered to pay them without an order from the Local Government Board.

(s) The words in italics were added by the Vaccination Order (No. II.), 1907, see p. 221.

1898, has satisfied himself that the child can be safely vaccinated. Sched. 1.

- (3.) A sum of _____ for every successful re-vaccination by the Public Vaccinator at his surgery or elsewhere than at the home of the person vaccinated.
- (4.) A payment in respect of each case of successful vaccination or of successful re-vaccination performed by the Public Vaccinator at the home of the person vaccinated or re-vaccinated of a sum of _____.
- (5.) Provided that the agreement of the said Guardians with respect to the payments to be made to the said _____ shall be subject to the following conditions; that is to say—
 - (i.) Nothing in the paragraphs numbered (2), (3), and (4) shall apply in any case in which during a period of twenty-four consecutive hours successful vaccination or successful re-vaccination has been performed by the Public Vaccinator upon two or more persons at one and the same home, or on any premises (other than the surgery of the Public Vaccinator) whereon those persons were together present at any time during the aforesaid period. In every such case the amount to be paid to the Public Vaccinator shall be, in respect of the first person vaccinated or re-vaccinated, a sum of _____ and in respect of every other person vaccinated or re-vaccinated a sum of _____;
 - (ii.) Nothing in the paragraphs numbered (2), (3), and (4) or in the condition (i) shall authorize a payment to the Public Vaccinator in respect of the re-vaccination of a person who is less than ten years of age, or who has been re-vaccinated within the period of ten years immediately preceding; and
 - (iii.) No payment shall be made to the Public Vaccinator in respect of any case of vaccination or re-vaccination unless the operation has been performed in accordance with the Rules and Regulations made by *the Local Government Board* (t) and in force for the time being,

(t) The amendment in italics was made by the Vaccination Order (No. II.), 1907 (p. 219).

Sched. 1.

and unless the provisions of the Vaccination Acts, 1867 to 1898, have been duly observed in relation to the case;

nor shall any payment be made in respect of any case of vaccination or re-vaccination, the particulars of which shall not have been duly entered in the Vaccinator's Register, except in the case of any omission which shall be explained to the satisfaction of the said Guardians.

The said Guardians approve of _____ as the occasional deputy of the said _____ for the purposes of this Contract.

AND it is mutually agreed that this contract may be put an end to by either of the parties thereto, by giving twenty-eight days' notice to the other party of the intention to put an end to the same.

In witness whereof the said _____ hath hereunto set his hand and seal, and the said Guardians their Common Seal, the day and year first above written.

Signed, sealed, and delivered }
by the above-named } (L.S.)
in the presence of . }

(Guardians'
Seal.)

The Common Seal of the Guardians of the above-named Union was hereto affixed at a Meeting of the Board of Guardians, held on the day of the date hereof by _____ Chairman of the Board at the said Meeting, in the presence of

*Clerk to the Guardians of
the said Union.*

SECOND SCHEDULE.

*Form of Vaccination Contract with the Medical Officer of a
Workhouse.*

ARTICLES OF AGREEMENT entered into this _____ day of _____, 18____, between _____ of the one part, and the guardians of the poor of the _____ union, in the county of _____, of the other part.

WHEREAS the said guardians have, in pursuance of the several statutes in that behalf, with the approval of the Local Government Board, divided the union aforesaid into districts for the purpose of vaccination, one of which districts consists of the workhouse of the said union; and the said guardians have agreed with the said _____ to enter into a contract for the performance of vaccination at the said workhouse:

Now, THEREFORE, the said doth hereby covenant and agree with the said guardians and their successors that, from and after the day of , he will by himself, or (when he shall be unable to perform his duties in person) by the deputy hereinafter mentioned, or who may hereafter be approved by the guardians, and whose name may be endorsed hereon, duly and according to the requirements of the Acts and Orders relating to vaccination perform the following duties :—

- (1.) In the case of every child resident in the workhouse, on the request of the parent or other person having the custody of the child, he will, as soon as practicable, after such request, attend the workhouse for the purpose of vaccinating the child.
- (2.) In the case of every child resident in the workhouse who has reached the age of two months without having been vaccinated he will offer to vaccinate the child with glycerinated calf lymph, or such other lymph as may be issued by the Local Government Board, and if his offer is accepted will thereupon (or after such postponement, if any, as may in his opinion be necessary) so vaccinate the child.
- (3.) He will vaccinate any other person resident in the workhouse applying to him for primary vaccination or re-vaccination, provided that in the case of re-vaccination such person shall not be less than ten years old, and shall not have been previously re-vaccinated within a period of ten years.
- (4.) In every such case he will do and perform all such acts and things as, to the best of his judgment, and in accordance with the requirements of the Orders in force as to vaccination, shall seem to him necessary for the purpose of causing the vaccination to be successfully terminated.
- (5.) In every case in which he has performed vaccination or re-vaccination he will, if the person vaccinated is

Sched. 2.

—

still in the workhouse, not earlier than the fifth day, nor later than the tenth day, after the operation, inspect the result; and will thereafter do such acts, and give such directions, and otherwise treat the case as may be necessary.

(6.) He will keep a book, to be termed "The Vaccinator's Register," according to the form prescribed by the Local Government Board, to be provided for him by the said guardians, and will, on the same day on which he shall have vaccinated any person to whom this contract shall apply, and on the same day on which he shall have inspected the results of the vaccination of such person, make the entries respectively applicable to the vaccination and the inspection of the results of the vaccination, and will on the day next before the first ordinary meeting of the said guardians in every quarter of the year, and also at such other times as may be required by the guardians, or for purposes of audit, deliver, or cause to be delivered to their clerk, the book in which he shall have made such entries during the interval preceeding such meeting or audit.

(7.) He will perform any other duties in respect of vaccination which may be imposed on him by the Vaccination Acts, 1867 to 1898, or by any Order of the Local Government Board under those Acts.

AND the said guardians do, for themselves and their successors, covenant and agree with the said as follows:—

That is to say—to pay him, his executors or administrators, within one calendar month (*u*) after Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day respectively, during the subsistence of this contract, and within one month after its termination, the sum of for every successful primary vaccination or re-vaccination:

Provided that no payment shall be made in respect of any primary vaccination or re-vaccination unless the same shall have been performed in accordance with the conditions prescribed by the Vaccination Order, 1898, nor unless the provisions of the Vaccination Acts, 1867 to 1898, and of that Order in regard to certificates and their transmission, and otherwise shall have been observed in relation thereto, nor shall any payment be made in respect of any vaccination or

(*u*) See note on p. 153.

re-vaccination, the particulars of which shall not be duly entered in the vaccinator's register, except in the case of any omission which shall be explained to the satisfaction of the said guardians. Sched. 2.
—

The said guardians approve of _____ as the occasional deputy of the said _____ for the purposes of this contract.

AND it is mutually agreed that this contract may be put an end to by either of the parties thereto, by giving twenty-eight days' notice to the other party of the intention to put an end to the same.

In witness whereof the said _____ hath hereunto set his hand and seal, and the said guardians their common seal, the day and year first above written.

Signed, sealed, and delivered }
by the above named } (L.S.)
in the presence of . }

(Guardians' Seal.)

The common seal of the guardians of the above-named union was hereto affixed at a meeting of the board of guardians, held on the day of the date hereof by _____ chairman of the board at the said meeting, in the presence of

*Clerk to the Guardians of
the said Union.*

THIRD SCHEDULE.

Instructions to Vaccinators under Contract.

(1.) Except so far as any immediate danger of smallpox may require, (x) the public vaccinator must vaccinate only subjects who are in good health. As regards infants, he must ascertain that there is not any febrile state, nor any irritation of the bowels, nor any unhealthy state of the skin, especially no

What children to be vaccinated.

Examination of children.

(x) See memorandum on p. 275, *post*.

Sched. 3. chafing or eczema behind the ears, or in the groin, or elsewhere in folds of skin. He must not, except of necessity, vaccinate in cases where there has been recent exposure to the infection of diseases such as measles, scarlatina, or diphtheria, nor where erysipelas is prevailing in or about the place of residence.

—
Recent exposure to infectious disease.

When vaccination may be postponed.

(2.) A certificate of postponement must be given by the public vaccinator in the form prescribed by the Local Government Board or to the like effect—

(a) If in his opinion the child is not in a fit and proper state to be vaccinated ; or

(b) If in his opinion the child cannot be safely vaccinated on account of the condition of the house in which it resides or because there is or has been a recent prevalence of infectious disease in the district ; and in any such case the public vaccinator is required to forthwith give notice of such certificate to the medical officer of health for the district in the Form P. set out in the Fifth Schedule to this Order or to the like effect.

Notice to medical officer of health.

What lymph to be used.

(3.) All public vaccinations are to be performed with glycerinated calf lymph, or with such other lymph as may be issued by the Local Government Board. If the parent or other person having the custody of a child requires that it shall be vaccinated with lymph issued by the Local Government Board, the vaccination must be performed with such lymph.

Record of source of lymph

(4.) The public vaccinator must keep such record of the lymph he uses for vaccinating as will enable him always to identify the origin of the lymph used

in each operation. He must not employ lymph sup- Sched. 3.
plied by any person who does not keep an exact —
record of its source.

(5.) The public vaccinator must keep in good con- Condition of
dition the lancets or other instruments which he uses instru-
for vaccinating, and he must not use them for any ments;
other purpose whatever. When he vaccinates he Cleansing
must cleanse and sterilise his instrument after one and sterilis-
operation before proceeding to another, and must ing them.
always, when vaccinating, have with him the means
of doing this. When once he has unsealed a tube Tubes not
of lymph he must never attempt to keep any part of to be re-
its contents for the purposes of vaccination on a future sealed after
occasion. Under no circumstances should the mouth opening.
be applied directly to the tube in which the lymph is
contained for the purpose of expelling the lymph. In Expelling
the case of ordinary capillary tubes an artificial blower lymph.
may properly be used for this purpose.

(6.) Vaccination should at every stage be carried Aseptic pre-
out with aseptic precautions. These should include: cautions.
1st, the cleansing of the surface of the skin before
vaccination; 2nd, the use of sterilised instruments;
and 3rd, the protection of the vaccinated surface
against extraneous infection both on the performance
of the operation and on inspection of the results.

Advice as to the precautions to be taken in this Advice to
respect until the scabs have fallen and the arm has parent.
healed should always be given to the person having
the custody of the child.

(7.) In all ordinary cases of primary vaccination Vesicles:
the public vaccinator must aim at producing four number and
separate good sized vesicles or groups of vesicles, not area.
less than half an inch from one another. The total

Sched. 3. area of vesiculation resulting from the vaccination
— should not be less than half a square inch.

Vaccinator's register, keeping of. (8.) The public vaccinator must enter all cases in his register (*y*) on the day when he vaccinates them, together with all particulars required in the register up to and including the column headed "Initials of person performing the vaccination." The results of the vaccination, which must be attested by the initials of the person who inspects the case, are to be entered upon the day of inspection. In cases of successful primary vaccination the public vaccinator must record the number of separate scarified areas, punctures, or groups of punctures made, and the number of separate normal vaccine vesicles or groups of vesicles which have been produced. In cases of re-vaccination he must register as "successful" only those cases in which either vesicles, normal or modified, or papules surrounded by areolæ have resulted. When operation repeated. Where operation repeated. any operation (whether vaccination or re-vaccination) has to be repeated owing to want of success in the first instance it should be entered as a fresh case in the register.

FOURTH SCHEDULE.

Instructions to Vaccination Officers.

Registrar of vaccination. (1.) The duties of the vaccination officer will be to act as registrar of vaccination for the district to

(*y*) The public vaccinator is required by the terms of his contract (see para. 8 on p. 153, *ante*) to send his vaccination register periodically to the guardians. Whilst the register is thus out of his custody he should keep a note of the particulars of cases vaccinated by him, and enter them up immediately his register is returned to him.

which he is appointed; to see that all children **Sched. 4.**
 resident therein are duly accounted for as regards —
 vaccination; and generally to carry into effect all Enforcing
 Vaccination
 Acts.
 such provisions of the Vaccination Acts, 1867 to
 1898, *and the Vaccination Act, 1907 (z)*, and the Orders
 made thereunder as are applicable to his office.

(2.) The vaccination officers shall receive from the Monthly
 lists, receipt
 and custody.
 registrars of births and deaths the "Monthly Lists"
 of births and deaths which will be sent to him under
 the provisions of the Vaccination Act, 1871, *(a)* and
 he shall be responsible for the safe custody of such
 lists, and of any lists which were sent to any former
 vaccination officer and have been transferred to him.
 In the columns which are provided for the purpose, Vaccination
 register,
 entries in.
 in the part of the "Monthly Birth-list" sheets
 headed "Vaccination Register," *(b)* he shall duly
 enter every certificate which he may receive of the
 successful vaccination of any child whose name is
 entered on the lists, or of its insusceptibility to
 vaccination, or of its having already had smallpox,
and every certificate or statutory declaration of *(z)* the
 conscientious belief of the parent or other person
 having the custody of the child that vaccination
 would be prejudicial to the health of the child. All
 such entries must be made immediately on the receipt
 of the respective certificates *or statutory declarations.* *(z)*
 He shall compare each monthly list of deaths with Comparing
 lists of
 deaths and
 births.
 the corresponding and with preceding lists of births,
 and as regards every child included in the death-
 lists whose name is on the birth-lists but for whom

(z) The words in italics were substituted (or added) by the
 Vaccination Order (No. II.), 1907.

(a) Sect. 8, p. 90.

(b) Page 185, and see Art. 30 (10) on p. 148.

Sched. 4. he has not received one of the certificates above referred to *or a statutory declaration*,^(b) he shall enter the death in the column provided. And when on his personal inquiries, or by information from the vaccination officer of another district, or on other reliable authority, he shall have ascertained that a child included in the birth-lists for his district has died in some other district, he shall write off the case in like way. His work in these respects will be much facilitated by his keeping an alphabetical index to his birth-lists.

—
Entering
deaths.

Index to
birth-lists.

Blank birth-
lists, use of.

Sending
copy cer-
tificates as
to children
born in
other dis-
tricts.

Fees
therefor.

Vaccination
register,
what it is.

(3.) The vaccination officer shall forthwith enter on blank "birth-list" sheets which will be supplied to him for the purpose, on his applying to the registrar, any certificate *or statutory declaration* ^(b) of the kind referred to in the last preceding paragraph which he may have received relating to any child whose birth has not been registered. He shall, as far as possible, transmit to the vaccination officer of the proper district a copy, certified by him, of any certificate of successful vaccination received by him relating to a child whose birth was registered in a district other than his own,^(c) and he will not be entitled to the fee in respect of such certificate unless he has made an entry in column 18 of his report book ^(d) showing that the copy has been duly transmitted.

(4.) The monthly list of births, with the supplemental sheets referred to in the last preceding paragraph, which together constitute the "Vaccination Register" of the district, shall in the first instance

^(b) These words were substituted (or added) by the Vaccination Order (No. II.), 1907.

^(c) As to the payment for transmitting this certificate, see Art. 20 (1) (c) of the Vaccination Order, 1898, *ante*, p. 140.

^(d) Page 187.

be kept stitched, or otherwise fastened together, in a stiff cover, so as to preserve them from damage or dirt, and the vaccination officer shall from time to time cause them to be bound into volumes containing not more than 1,000 sheets in each volume.(e)

Sched. 4.
—
Binding the lists.

(5.) If any list of births or deaths is not received from a registrar within one week from the time it is due, the vaccination officer shall report this in writing to the guardians at their next meeting, with a view to the registrar being immediately called upon for an explanation. The vaccination officer shall forthwith forward to the Local Government Board a copy of such report. If the vaccination officer shall lose any of the lists of births or deaths, he shall obtain another from the registrar at his own cost.

Delay of registrar in sending lists.

Report thereon.

Loss of lists.

(6.) The vaccination officer shall see that all children entered on the birth-lists of his district are either duly vaccinated, or are otherwise properly accounted for in accordance with the law relating to vaccination.

Seeing children duly accounted for.

He shall keep the birth-lists examined from week to week, and—

Weekly examination of birth-lists.

*(a) If on the expiration of seven days after any child entered thereon shall have attained the age of three calendar months none of the certificates mentioned in paragraph 2 of these Instructions, *and no statutory declaration under Section 1 of the Vaccination Act, 1907*,(f) shall have been received by the Vaccination Officer, and he shall not have in his possession a valid

(e) See Art. 29 (2), p. 146.

(f) These words were added by the Vaccination Order (No. II.), 1907.

* This paragraph was substituted by the Vaccination Order, 1907, for the corresponding paragraph in the Vaccination Order, 1898.

Sched. 4.

—
Personal
inquiries.

Sending
lists of un-
vaccinated
children to
vaccinator.

Noting same
in report
book.

Dealing with
cases on
expiration
of postpone-
ment.

certificate of postponement in respect of such child, he shall proceed to give notice and make inquiry in the Form Q. set forth in the Fifth Schedule to this Order with a view to obtain the requisite certificate.(g) If on making these inquiries he is unable to ascertain that the child has been vaccinated, but the child is still resident in the district, the Vaccination Officer shall include the name and home of the child in a List which he shall send to the Public Vaccinator in the Form H. set out in the Fifth Schedule to this Order. The Lists shall be sent once in each week, and the name of each child shall be included in such list that it may reach the Public Vaccinator within three weeks of the child having attained the age of four months. The date of sending the notice to the Public Vaccinator must be entered by the Vaccination Officer in his Report Book.(h)

- (b) Where the vaccination officer shall have excluded from the list sent by him to the public vaccinator the name and home of any child

(g) See the L. G. B. circular on p. 263. The vaccination officer may send Form Q. by post, or he may personally deliver it. If the parent replies that he intends the child to be vaccinated by his private medical man, the vaccination officer may reasonably let the matter rest for a while; but if within a reasonable time he hears nothing more, he should make personal inquiry at the home of the child and act as the circumstances may then require. If no reply to Form Q. is received, the vaccination officer should make personal inquiry at the child's home before he puts the child's name on Form H.

(h) The entry is to be made in column 7 of the now form of Report Book prescribed by the Vaccination Order (No. II.), 1907 (see p. 217). Where a vaccination officer has a partially used Report Book in the old form he may rule a new column in it and re-number the columns, as in the newly prescribed form.

owing to his having in his possession a valid Sched. 4. certificate of postponement in respect of such child, he shall on the expiration of such certificate forthwith deal with the case in the manner prescribed by sub-division (a) of this paragraph, unless such certificate shall be immediately renewed, or he shall have received in respect of the child one of the certificates mentioned in paragraph 2 of these Instructions.⁽ⁱ⁾ —

- (c) If the vaccination officer shall receive any certificate of postponement relating to any child not resident in his district he shall, so far as possible, transmit such certificate to the vaccination officer of the district where the child is resident.

Postpone-
ment certi-
ficates:
children
resident in
other dis-
tricts.

- (d) If the vaccination officer has not received in respect of any child a certificate under section 2 of the Vaccination Act, 1898, or a statutory declaration under Section 1 of the Vaccination Act, 1907,^(k) within the time limited by those

Dealing with
default cases
six months
old.

(i) Where a child's name has been placed by a vaccination officer on Form H. and the public vaccinator subsequently postpones the child's vaccination, the name should not be placed on a subsequent Form H. The vaccination officer may properly remind the public vaccinator when the certificate of postponement is about to lapse, but the public vaccinator should himself keep an account of all the cases in which he has postponed vaccination and should again visit the home of the child when the certificate of postponement has expired, or, earlier, if the parent gives him notice to do so.

The certificate of postponement can only be given for two months, and it is required to be renewed if, at the end of two months, the child is still unfit to be vaccinated. If a child's illness is long continued, however, it sometimes happens that the case is allowed to remain in abeyance without the production of repeated certificates of postponement, and there seems to be no objection to this course if the vaccination officer does not lose sight of the case.

(k) This amendment was made by the Vaccination Order (No. II.), 1907, see p. 220.

Sched. 4.

—

Notice of
default.Proceedings,
to enforce
vaccination.Inquiry as
to vaccina-
tion of
resident
children not
born or
registered
in district.

sections, (k) and at the end of seven days after the expiration of six calendar months from the birth of the child, has not received *any* (k) of the certificates mentioned in sub-division (a) of this paragraph, the vaccination officer shall forthwith give a notice in the Form K. (l) set out in the Fifth Schedule to this Order or to the like effect to the parent or other person having the custody of the child by delivering the same by post or otherwise at the last known residence of such parent or person. If that notice is not duly complied with within the time specified therein, it will become the duty of the vaccination officer under the Vaccination Act, 1871, to take proceedings for the enforcement of the law (m).

(7.) The vaccination officer shall at all times use his best endeavours to ascertain whether children resident in his district, but not born in it, or, if so born, not having had their births registered in it, are unvaccinated, and it will be his duty in such cases,

(k) This amendment was made by the Vaccination Order (No. II.), 1907, see p. 219.

(l) Page 184.

(m) See L. G. B. Circular of 21 Oct. 1898, p. 236. The guardians are required to pay the cost of such proceedings. As to this see Article 29 of the Vaccination Order, 1898, and notes thereon, *ante*, p. 144.

In *Moore v. Keyte* (cited on p. 66) LORD ALVERSTONE L.C.J. said: "In my judgment, having regard to the provisions of the Act and the duty which the vaccination officer has to perform, the vaccination officer has the duty of taking proceedings. I should have come to this conclusion quite independently of the Order" (*i.e.* the Vaccination Order, 1898), "but I think that most properly the Order of 1898 makes the matter, if I may use the expression, more abundantly clear. . . . I think he" (*i.e.* the vaccination officer) "is bound to obey the order of the Local Government Board, and any order of the Board of Guardians which interfered with that order of the Local Government Board would be illegal, and he is not bound to obey it."

subject to the provisions of the Vaccination Acts, Sched. 4. 1867 to 1898, and the *Vaccination Act*, 1907,⁽ⁿ⁾ to — take the requisite steps for procuring their vaccination. Paragraph 6 of these instructions shall apply to such cases with the necessary modifications.

(8.) The vaccination officer shall keep a book, to be called "The Vaccination Officer's Report Book," in the Form M. [^(o) *set out in the Fifth Schedule to this Order*], in which he shall forthwith enter the particulars required with regard to children as to whom personal inquiries may have been made, with the dates of such inquiries, and also all certificates of postponement with the date of the certificate, the cause for which it was given, the name of the practitioner who signed it, and the period for which it was given, with a view to any inquiries which may be necessary at the expiration of that period. When certificates of postponement are delivered to him on the form (^p) attached to the "Notice of the Requirement of Vaccination," he shall see that the parent or other person having the custody of the child is supplied with a new form of this notice, with the required particulars duly filled in. Copies of the form of "Notice of the Requirement of Vaccination" can be obtained by the vaccination officer on his applying to the registrar. He shall note in the report book any further action taken in any case, and make any remarks which the case calls for. He shall take care to make the necessary reference in column VI. of the

Report
book,
entries in.

Duty on
receiving
certificate of
postpone-
ment.

Obtaining
and giving
new notices
of require-
ment of
vaccination.

(n) The words in italics were added by the Vaccination Order (No. II.), 1907.

(o) Page 186. The italicised words in brackets were struck out by Art. II. of the Vaccination Order (No. II.), 1907, p. 217.

(p) See Art. 30 (1), p. 147.

Sched. 4. "Vaccination Register" (*q*) to each case entered in
— the report book.

Obtaining
certificates
due but not
received.

(9.) When the vaccination officer finds that a child has been successfully vaccinated, but that the vaccination has not been duly certified, or that any certificate of postponement, of insusceptibility, or of the child having had smallpox, has been given but has not been transmitted, he shall ascertain with whom the default rests, having regard to the requirements of sections 21, 23, and 30 of the Vaccination Act, 1867, and section 7 of the Vaccination Act, 1871, and shall forthwith take the necessary steps for obtaining the certificate required.

Invalid cer-
tificates to
be refused.

(10.) The vaccination officer shall carefully examine every certificate *and statutory declaration* (*r*) received by him and shall not accept any certificate not signed by a registered medical practitioner, (*s*) or, in the case of a certificate under section 2 of the Vaccination Act, 1898, not signed as required by that section or *any statutory declaration under section 1 of the Vaccination Act, 1907, not made in accordance with the requirements of that Act.*(*r*)

Removals,
following up
and giving
notice as to.

(11.) When the vaccination officer shall find that the parent or other person having the custody of any child, respecting whom he has not received a certificate *or statutory declaration* (*r*) of the kind referred to in paragraph 2 of these Instructions, has removed

(*q*) Page 185.

(*r*) The words in italics were added by the Vaccination Order (No. II.), 1907, sec p. 220.

(*s*) An official list of registered medical practitioners is published annually by the General Council of Medical Education and Registration, Oxford Street, London. It is known as the "Medical Register." It must not be confused with another excellent, but totally distinct, publication, known as the "Medical Directory."

from the district, he shall take pains to ascertain the Sched. 4. vaccination officer's district to which such removal has taken place, and shall give notice to the vaccination officer of that district, with a view to the vaccination of the child, and the due transmission to him of a copy of the necessary certificate *or statutory declaration.*(s) And whenever a certificate, *or statutory declaration,*(s) respecting a child whose birth was registered in the district of some other vaccination officer is sent to him,(t) he shall take pains to ascertain the district in which the birth took place, and when he has ascertained it, he shall forward to the vaccination officer of that district a copy of the certificate *or statutory declaration.*(s)

Trans-
mitting copy
certificates
to other
officers.

(s) The words in italics were added by the Vaccination Order (No. II.), 1907, see p. 220.

(t) It sometimes happens that a parent removes from a registration sub-district before the birth of a child born in that sub-district is registered. The method of registering the child's birth by the registrar of the sub-district in which parent and child subsequently reside is given in the note to sect. 15 of the Vaccination Act, 1867 (p. 57), where the respective duties of the registrars of the two sub-districts concerned are also indicated.

But although the registrar of the sub-district in which the child was born has no duty to perform in regard to the vaccination of the child, the question arises to what vaccination officer a certificate relating to the child's vaccination is to be sent. The duty of taking steps to procure the vaccination of the child devolves upon the vaccination officer of the district in which the child lives, but when he receives a certificate or declaration relating to the child's vaccination, it would seem to be his duty, under paragraph 11 of the above instructions, to send it to the vaccination officer of the district in which the birth was registered.

The latter, however, will not find the child's name on his birth-lists, seeing that the registrar acting under the Registrar-General's instructions will not have entered it there. In such a case the vaccination officer should apparently enter the case on a blank birth-list sheet as indicated in paragraph 3 of the above instructions to vaccination officers. Each vaccination officer will, in such a case, be entitled to be paid the appropriate fee.

Sched. 4. (12.) The vaccination officer shall keep a book in the Form N.,^(u) set out in the Fifth Schedule to this Order, in which he shall enter a summary of his proceedings under the Vaccination Acts, 1867 to 1898, in each month.

—
Keeping
summary of
proceedings.

Annual and
half-yearly
returns.

(13.) The vaccination officer shall prepare at the end of every half-year a summary of the vaccinations in his district, and at the commencement of each year a supplemental return of vaccination in his district, in the forms prescribed and issued by the Local Government Board, and shall submit one copy of each of such summaries to the guardians, and shall transmit another copy to the Local Government Board, and shall himself preserve another copy for reference. He shall also furnish such other returns to the guardians and Local Government Board as the latter may direct.

Other
returns.

Small-pox
outbreaks

(14.) The vaccination officer shall, on any outbreak of smallpox,^(x) make such house to house visitations as the Local Government Board or the guardians may direct in reference to vaccination, and carry out any special instructions which the board or the guardians may issue on the subject.

Information
to registrars:
vaccination
officer's
name and
address.

(15.) The vaccination officer shall see that the registrars of births and deaths in his district are kept informed of his own name and place of abode or office, in order that the address on the notices of the requirement of vaccination delivered by the registrar to parents may be correct.^(y)

Distribu-
tion of books
and forms.

(16.) The vaccination officer shall undertake the distribution of the certificates, books, and other

^(u) Page 188.

^(x) See memorandum on p. 275.

^(y) See Art. 29 (3), p. 146.

forms issued by the Local Government Board to the **Sched. 4.**
public vaccinators and medical practitioners in his —
district, and shall, on request, furnish any parent or
other person having the custody of a child with a
copy of the Form G.,(z) set out in the Fifth Schedule
to this Order duly filled in, and with the name and
address of the public vaccinator written on the back
thereof. Inserting
address of
vaccinator.

(17.) The vaccination officer shall be responsible for Custody of
vaccination
registers.
the safe custody of the vaccination registers, except
any bound registers which do not contain any entry
of a birth registered within the last preceding seven
years, and which he may, with the guardians' consent,
have deposited in the union offices. Deposit at
union offices.

(18.) The vaccination officer shall preserve every Certificates
and lists:
Keeping:
certificate *and statutory declaration* (a) received by
him, and the lists, in the Form H.,(b) set out in the
Fifth Schedule to this Order, which shall have been
returned to him by the public vaccinator, until after
the inspection by an inspector of the Local Govern-
ment Board of public vaccination in the union next
following the date of the certificate *or statutory*
declaration,(a) and shall not, in any case, destroy Destruction
any of them until two years have elapsed from its
date.

(z) Page 182.

(a) The words in italics were added by the Vaccination
Order (No. II.), 1907, see p. 221.

(b) Page 182.

Sched. 5.

FIFTH SCHEDULE.

By the Vaccination Order (No. II.), 1907, the form of notice set forth in Schedule I. to that Order was substituted for the form of notice prescribed by section 30 (1) and set forth in the Fifth Schedule of the Vaccination Order, 1898, as amended by the Vaccination Order, 1907. The following is the new notice :—

Form A.

THE VACCINATION ACTS, 1867 TO 1898, AND THE
VACCINATION ACT, 1907.

Notice of the Requirement of Vaccination.

*To the Father, or Mother, or other Person having the
Custody of the Child herein named.*

Copy hereunder the No. of the Entry of the Child's birth
from the Register Book.

Entry No.	}
--------------	---

1. I, the undersigned, hereby give you Notice to have the Child named ¹, whose birth is now registered, vaccinated by a Public Vaccinator or some other Medical Practitioner, pursuant to the provisions of the Vaccination Acts, 1867 to 1898.

2. These Acts require every child to be vaccinated before it is six months old. The vaccination may, however, be postponed by Medical Certificate, if the child is not in a fit state to be vaccinated, or if, in the opinion of the Public Vaccinator, the condition of the house in which the child

resides is such, or there is or has been such a recent prevalence of infectious disease in the district, that the child cannot be safely vaccinated. Sched. 5.
—

3. If you desire the child to be vaccinated by the Public Vaccinator before it is four months old, you should give notice to him in the following form, or to the like effect:—

To _____, Public Vaccinator of the _____ District of the _____ Union.

In accordance with Section 1 (2) of the Vaccination Act, 1898, I hereby request that you will visit ² _____ for the purpose of vaccinating ³ _____ who is now residing at that address.

Dated this _____ day of _____ 19 _____.

(Signed) _____,

Parent or other Person having the custody of the said Child.

If you desire it, you can obtain from the Vaccination Officer a copy of this form, with the name and address of the Public Vaccinator. The Public Vaccinator will visit the child's home for the purpose of vaccinating the child not earlier than 9 o'clock in the morning nor later than 4 o'clock in the afternoon, unless some other time shall have been arranged between him and you.

4. If within a week after the child has attained the age of four months, the Vaccination Officer has not received a certificate of its successful vaccination, or of its insusceptibility to vaccination, or of its having had smallpox, and has not in his possession a valid certificate of postponement of the vaccination of the child, and has not received such a statutory declaration as is herein-after mentioned in paragraph 6, the Vaccination Officer will give notice to the Public Vaccinator, and the Public Vaccinator will call at the home of the child before the child attains the age of six months, and will offer to vaccinate the child with glycerinated calf lymph, or such other lymph as may be issued by the Local Government Board.

5. The Public Vaccinator will give you at least 24 hours' notice of his intention to visit the home of the child as

Sched. 5. mentioned above in paragraphs 3 and 4; and the visit will, in the absence of any sufficient reason for delay, be made within four weeks after receipt of the notice from you or from the Vaccination Officer, as the case may be. If, when the Public Vaccinator visits the home of the child for the purpose of vaccinating it, or of offering to vaccinate it, you request that the vaccination should be performed with lymph issued by the Local Government Board, the Public Vaccinator will use such lymph.

6. You will be exempt from any penalty under Section 29 or Section 31 of the Vaccination Act, 1867, for not having the child vaccinated, if within four months from the birth of the child you make, in the Form set out below, or in a Form to the like effect, a statutory declaration (which will be exempt from stamp duty), that you conscientiously believe that vaccination would be prejudicial to the health of the child, and within seven days thereafter, deliver or send by post the declaration to the Vaccination Officer for the district. This declaration may be made before a Solicitor who is also a Commissioner for Oaths. It may also be made before a Justice of the Peace or before any other officer authorised to receive a statutory declaration.

FORM OF DECLARATION.

I, of , in the parish of , in the county of , being the parent [or person having the custody] of a child named , who was born on the day of , 19 , do hereby solemnly and sincerely declare that I conscientiously believe that vaccination would be prejudicial to the health of the child, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Dated this day of , 19 .

Signed, A. B.

Declared before me, at , on the day of . E. F.

a Commissioner for Oaths [or Justice of the Peace or other officer authorised to receive a statutory declaration].

7. After the vaccination has been performed the child must be inspected by the Vaccinator, in order that, if the operation has been successful, he may fill up and sign the requisite certificate. Sched. 5.

8. The Vaccinator will give his certificate in one of the annexed forms, and for this purpose *this paper* should be produced to him. If he is a Public Vaccinator it will be *his* duty to forward the paper to the Vaccination Officer; but if he is not a Public Vaccinator it will be *your* duty, after the Certificate has been duly filled up and signed, to forward this paper to the Vaccination Officer, whose name and address are on the back, within seven days of the date of the Certificate.

Dated this day of 19 .

(Signature of Registrar)

Registrar of Births and Deaths for the Sub-District of
in the Superintendent Registrar's District of .

¹ Child's name and surname.

² Address of the child.

³ Child's name and surname.

By the second Schedule to the Vaccination Order, 1907, the following forms B., C., D., E., and F. were substituted for the corresponding forms in the Vaccination Order, 1898 (see note on pages 149-150).

Form B.

THE VACCINATION ACTS, 1867 TO 1898.

Medical Certificate of Postponement of Vaccination
owing to the state of the Child's Health.

I, the undersigned, hereby certify that I have this day
examined ¹ the child of ² aged ³

V.L.

N

Sched. 5. | born at⁴ in the parish (township) of⁴ in
 — | the county (borough) of⁴ residing at⁴ in
 | the parish (township) of⁴ in the county (borough)
 | of⁴ and I am of opinion that the said child is in
 | the following state of health, namely and is there-
 | fore not in a fit and proper state to be successfully vacci-
 | nated. I do hereby postpone the Vaccination until the⁵
 | day of .

Dated this day of 19 .

(Signed) .

⁶ [Public Vaccinator of the Union of].
 Medical Practitioner duly registered.

¹ Child's name and surname.

² Father's or (if the child is illegitimate) mother's name and surname.

³ Child's age.

⁴ No. or name of the house, and name of the street or road, and parish, and county or borough.

⁵ This must not exceed two calendar months from the date of the certificate.

⁶ If the person signing is not a public vaccinator, strike out this line.

Form C.

THE VACCINATION ACTS, 1867 TO 1898.

Medical Certificate of Postponement of Vaccination
 owing to the condition of the House, or the
 recent prevalence of Infectious Disease in the
 District.

I, the undersigned, hereby certify that¹ the child
 of² aged³ born at⁴ in the parish

Sched. 5.

(township) of ⁴ in the county (borough) of ⁴
and residing at ⁴ in the parish (township) of ⁴
in the county (borough) of ⁴ cannot be safely
vaccinated because ⁵ of the condition of the house in which
the child resides [or, ⁵ because of the recent prevalence of
infectious disease in the district].

For the above reason I do hereby postpone the vacci-
nation of the child until the ⁶ day of .

Dated this day of 19 .

(Signed) .

Public Vaccinator of the Union of .

¹ Child's name and surname.

² Father's or (if the child is illegitimate) mother's name and
surname.

³ Child's age.

⁴ No. or name of the house, and name of the street or road,
and parish, and county or borough.

⁵ Strike out the words which do not apply to the case.

⁶ This must not exceed two calendar months from the date
of the certificate.

Form D.

THE VACCINATION ACTS, 1867 TO 1898.

Medical Certificate of Insusceptibility of successful Vaccination, or of Child having had Smallpox.

I, the undersigned, hereby certify that ¹ the child
of ² aged ³ born at ⁴ in the parish
(township) of ⁴ in the county (borough) of ⁴
and residing at ⁴ in the parish (township) of ⁴
in the county (borough) of ⁴ ⁵ [has been ⁶ times
unsuccessfully vaccinated by me, and is, in my opinion

Sched. 5. insusceptible of successful vaccination] or ⁵ [has already had smallpox].

Dated this day of 19 .

(Signed) .

⁷ [Public Vaccinator of the Union of].
Medical practitioner duly registered.

¹ Child's name and surname.

² Father's or (if the child is illegitimate) mother's name and surname.

³ Child's age.

⁴ No. or name of the house, and name of the street or road, and parish, and county or borough.

⁵ Strike out the words which do not apply to the case.

⁶ This number must not be less than three.

⁷ If the person signing is not a public vaccinator, strike out this line.

Form E.

THE VACCINATION ACTS, 1867 TO 1898.

Medical Certificate of successful Vaccination.

The Registrar to insert the No. of the Entry of the Child's birth in the Register Book.

Entry No.	}
--------------	---

I, the undersigned, hereby certify that ¹ the child
of ² aged ³ born at ⁴ in the parish
(township) of ⁴ in the county (borough) of ⁴
and residing at ⁴ in the parish (township) of ⁴
in the county (borough) of ⁴ has been successfully
vaccinated by me.

Dated this day of 19 .

Sched.5.

(Signed) .

⁵ [Public Vaccinator of the Union of].
Medical practitioner duly registered.

¹ Child's name and surname.

² Father's or (if the child is illegitimate) mother's name and surname.

³ Child's age.

⁴ No. or name of the house, and name of the street or road, and parish, and county or borough.

⁵ If the person signing is not a public vaccinator, strike out this line.

Form F.

THE VACCINATION ACTS, 1867 TO 1898.

Medical Certificate under Section 12 of the Vaccination Act, 1871, of successful Vaccination.

I, the undersigned, being a Public Vaccinator of the Union of hereby certify, that ¹ the child of ² aged ³ born at ⁴ in the parish (township) of ⁴ in the county (borough) of ⁴ and residing at ⁵ has been examined by me, and that I find the said child to have been successfully vaccinated.

Dated this day of 19 .

(Signed) .

Public Vaccinator of the Union of .

¹ Child's name and surname.

² Father's or (if the child is illegitimate) mother's name and surname.

³ Child's age.

⁴ No. or name of the house, and name of the street or road, and parish, and county or borough.

⁵ Child's present residence.

Sched. 5.

Form G.

THE VACCINATION ACTS, 1867 TO 1898.

**Request for the Attendance of the Public Vaccinator
to vaccinate a Child.**

To _____,
Public Vaccinator of the _____ District of the
Union.

In accordance with section 1 (2) of the Vaccination Act, 1898, I hereby request that you will visit ¹ _____ for the purpose of vaccinating ² _____ who is now residing at that address.

Dated this _____ day of _____, 19 ____.

(Signed) _____,

Parent or other person having the custody
of the said child.

¹ Address of the child.

² Child's name and surname.

Form H.

THE VACCINATION ACTS, 1867 TO 1898, AND THE
VACCINATION ACT, 1907.(c)

**List of Children in respect of whom the necessary
Certificates or Statutory Declarations (c) have
not been received by the Vaccination Officer.**

To _____,
Public Vaccinator of the _____ District of the
Union.

(c) The Form H., as here printed, was substituted by the Vaccination Order, 1907, for the corresponding form in the Vaccination Order, 1898.

In accordance with paragraph 6 (a) of the Instructions to Vaccination Officers in the Fourth Schedule to the Vaccination Order, 1898, I hereby give you notice that the children whose names and addresses are stated below, and with respect to whom I have not received the necessary certificates under the Vaccination Acts, 1867 to 1898, or *any statutory declaration under the Vaccination Act, 1907, (d)* attained the age of four months on the dates respectively specified in column 4.

Dated this day of , 19 .

(Signed) ,

Vaccination Officer for the .

N.B.—Columns (5) to (8) are to be filled up by the Public Vaccinator.

No. in Birth Register.	Child's Name.	Child's Address.	Date on which the Child attained the age of four calendar months.	Dates of Notice by Public Vaccinator to Parent.	Date of Visit.	Result of Visit.	Re- marks.
(1.)	(2.)	(3.)	(4.)	(5.)	(6.)	(7.)	(8.)
		(a)					

NOTE.—It is the duty of the public vaccinator to visit the homes of these children within two weeks after receipt of this notice, and to offer to vaccinate them in manner provided by the Vaccination Act, 1898, and the Order of the Local Government Board made thereunder.

(a) The child's address will often not be complete unless the parent's name is inserted. The vaccination officer must insert in this column such full particulars as will enable the public vaccinator readily to find the home of the child.

(d) The words in italics were added by the Vaccination Order (No. II), 1907.

Sched. 5.**Form I.**

THE VACCINATION ACTS, 1867 TO 1898.

Notice from Public Vaccinator to Parent or other Person having Custody of Child of intended Visit.To ¹

In accordance with section 1 (3) of the Vaccination Act, 1898, I hereby give you notice that I shall visit the home of the child ² on ³, and shall offer to vaccinate it with glycerinated calf lymph, or such other lymph as may be issued by the Local Government Board.

Dated this day of , 19 .

(Signed) ,

Public Vaccinator of the
District of the Union.

Address of Public Vaccinator .

¹ Name and address of parent or other person having custody of the child.

² Name of child.

³ Date of intended visit.

Form K.

THE VACCINATION ACTS, 1867 TO 1898.

Notice of Default.

To .

Whereas you are in default under the above Acts, respecting the child, ¹ , I hereby require you [to have the said child vaccinated within fourteen days from the date hereof, and do all other things the law requires touching the said vaccination ²], or [to transmit to me within seven days from the date hereof the requisite certificate concerning the vaccination of the said child ²], failing which

Form M.—VaccinationUnion.

Consecutive Number in this Book.	Birth Registra- tion District.	No. on Birth Register.	Name of Child.	Date of Birth.	Address of Parent.	Date upon which Form Q. was sent.	Date or Dates of Personal Inquiries.	Vaccination Postponed by Medical Certificate.			
								Date of Certi- ficate.	By whom given.	Cause for which it was Post- poned.	Date to which Post- poned.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
64											
65											
66											
67											
68											
69											
70											
71											
72											
73											
74											
75											
76											
77											
78											
79											
80											

NOTE.—When a Certificate of Postponement is renewed, the Case

The above form M. was substituted by the Vaccina-
form in Schedule 5 of the Vaccination

Form N.—Summary of Proceedings

UNION.

Month of _____ 19 .

No. of Cases in Birth Lists received during Month.	No. of Certificates of Vaccination received.	No. of Certificates of Postponement owing to			No. of Certificates under Section 2 of Vaccination Act, 1898, and no. of <i>statutory declarations</i> under section 1 of the Vaccination Act, 1907.(e)	No. of Certificates of Insusceptibility or of having had Small Pox.	No. of Cases.		No. of Entries in Lists sent to Public Vaccinator.
		Health of Child.	Condition of House.	Prevalence of Infectious Disease.			Parents removed out of District.	Otherwise not found.	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.

(e) The words in italics were added by the

under the Vaccination Acts, 1867 to 1898.

Vaccination Officer.

Proceedings taken, showing in each Class of Cases the stage at the end of the Month.			Costs incurred in Pro- ceedings.	Costs received.	Dates of several Pay- ments to Treasurer.	REMARKS.
Under Sect. 29 of Vaccination Act, 1867, or Sect. 7 of Vaccination Act, 1871.	Under Sect. 31 of Vaccination Act, 1867.					
11.	Applications for Justices' Orders.	Proceedings for Penalties on Default under Orders.	14.	15.	16.	17.
No. of Cases.	No. of Cases.	No. of Cases.				
Summonses } taken out. }	Orders applied } for. }	Summonses } taken out. }				
Convictions.	Orders granted. }	Penalties imposed. }				
Cases dis- } missed. }	Orders refused. }	Cases dis- } missed. }				
Cases ad- } journd. }	Cases ad- } journd. }	Cases ad- } journd. }				

Vaccination Order (No. II.), 1907, see p. 221.

Form O.—

VACCINATOR'S REGISTER of the _____

[illegible]

Vaccinator's Register.

DISTRICT of the _____ UNION.

Public Vaccinator.

9. No. of separate Scarified areas, Punctures, or groups of Punctures made.	10. Initials of Persons performing the Vaccination.	11. Date and Place of Inspection.	12. Result.		13. Initials of the Person inspecting.	14. Date of sending Certificate to the Vaccination Officer.	15. Fee due in respect of each successful case of primary Vaccination or Re- vaccination.	16. REMARKS.
			Successful. Number of separate Vesicles or Groups of Vesicles produced.	Unsuccessful.			s. d.	
						TOTAL . .		

Sched. 5.

Form P.

THE VACCINATION ACTS, 1867 TO 1898.

Notice from Public Vaccinator to Medical Officer of Health.

To _____, Medical Officer of Health of the _____ District.

In accordance with section 1 (4) of the Vaccination Act, 1898, I hereby give you notice that I have this day postponed the vaccination of ¹ _____ the child of ² _____ who resides at ³ _____ on account of

⁴ the condition of the house in which the child resides.

⁴ the recent prevalence of infectious disease in the district.

Dated this _____ day of _____, 19 _____.

(Signed) _____.

Public Vaccinator of the _____ District.
Union.

¹ Child's name.

² Father's or (if the child is illegitimate) mother's name and surname.

³ Child's residence.

⁴ Strike out that cause which does not apply.

The following form Q. was in effect added to the Vaccination Order, 1898, by Article 7 of the Vaccination Order, 1907 (post, p. 212).

Form Q.

THE VACCINATION ACTS, 1867 TO 1898, and the
Vaccination Act, 1907. (f)

Notice by Vaccination Officer to Parent or other Person having Custody of Child with regard to transmission of Certificate of successful Vaccination, and inquiry respecting the same.

(f) The words in italics were added by the Vaccination Order (No. II.), 1907.

To .

Sched. 5.

I hereby give you notice that on the day of ,
19 , your Child will be four months old, and that, unless
within seven days from that date I shall have received from
you or from the Public Vaccinator a certificate of the suc-
cessful vaccination of the said Child, or some legal excuse for
the non-vaccination of the Child, it will be my duty to notify
the case to the Public Vaccinator, who will then in due
course visit the Child's home and offer to vaccinate the
Child.

If, however, you should propose some other other arrange-
ment for the vaccination of the Child, I shall be glad to be
informed of the same.

Dated this day of , 19 .

(Signed)

Vaccination Officer for

Address of Vaccination Officer .

Given under the Seal of Office of the Local
Government Board, this eighteenth day of
October, in the year one thousand eight
hundred and ninety-eight.

(L.S.)

HENRY CHAPLIN,

President.

HUGH OWEN,

Secretary.

THE VACCINATION ORDER, 1899.

VACCINATION ACTS, 1867 TO 1898.

Regulations as to Fees to Public Vaccinators acting
as Teachers of Vaccination.

TO THE BOARD OF GUARDIANS of every Poor
Law Union in England and Wales ;—

To the Public Vaccinators named in the
Schedule to this Order ;—

And to all others whom it may concern.

WHEREAS by the Vaccination Order, 1898, issued by us in pursuance of section 6 of the Vaccination Act, 1898, we made rules and regulations with respect to the duties and remuneration of public vaccinators, whether under contracts made before or after the passing of that Act ;

And whereas by certain Orders issued in pursuance of our powers in that behalf we have authorized the public vaccinators whose names and addresses are mentioned respectively in the first and second columns of the Schedule to this Order to give certificates of due qualification in the practice of vaccination ;

And whereas it is expedient that further provision be made for the remuneration of each of the said public vaccinators and of any other public vaccinator

whom we may hereafter authorize to give certificates of due qualification in the practice of vaccination :

NOW THEREFORE, in pursuance of the powers given to us by the statutes in that behalf, we hereby order as follows :—

ARTICLE I.—In relation to each of the public vaccinators named in the Schedule to this Order, while such public vaccinator acts in the capacity of an authorized teacher of vaccination, Article 3 of the Vaccination Order, 1898, shall have effect as if, after the word “vaccinated” in sub-division (1) (b) of the said Article, there were added the words “and a payment of not less than five shillings in respect of every successful primary vaccination of any child, which may be performed elsewhere than at the home of the child vaccinated, but at such place and subject to such conditions as we may from time to time direct or approve.” (*g*)

Fees to
teachers of
vaccination.

Article 3 of the Vaccination Order, 1898, as altered by the addition hereinbefore set forth shall be deemed to have applied and shall apply to each of the said public vaccinators from the first day of January, one thousand eight hundred and ninety-nine, until such public vaccinator shall cease to be authorized to give certificates of due qualification in the practice of vaccination.

ARTICLE II. (*g*)—The provisions of the preceding Article shall apply to any public vaccinator whom we may by our Order hereafter (*h*) authorize to give certificates of due qualification in the practice of vaccination, with the substitution in the said provisions of the date of the operation of the Order

(*g*) See Art. 9 of the Vaccination Order, 1907, *post*, p. 212.

(*h*) See note at foot of next page.

under which such public vaccinator shall be authorized to give such certificates for the first day of January, one thousand eight hundred and ninety-nine.

ARTICLE III.—This Order may be cited as the Vaccination Order, 1899.

SCHEDULE.

Name of Public Vaccinator.	Address of Public Vaccinator.
William Alexander Budd	20, West Southernhay, Exeter.
Alexander Carson Clarke	Roman Place, Higher Broughton, Manchester.
Albert Ernest Cope . . .	26, Bessborough Gardens, Westminster, S.W.
Edwin Climson Greenwood	19, St. John's Wood Park, N.W.
Frank Hawthorn . . .	The Dispensary, Newcastle-on-Tyne.
Frederick Holmes . . .	Springfield House, Burmantofts, Leeds.
Victor Alexander Jaynes	157, Jamaica Road, Bermondsey, S.E.
Joseph Loane	15, Great Alie Street, E.
George Shepley Page . .	78, Old Market Street, Bristol.
Nathaniel Edward Roberts	33, Mulgrave Street, Liverpool.
Edmund Robinson . . .	213, Bristol Road, Edgbaston, Birmingham.
William Skinner	250, Brook Hill, Sheffield.
John Francis Staines . .	42, Bloomsbury Square, W.C.
John Llewellyn Treharne	92, Newport Road, Cardiff.

Given under the Seal of Office of the Local Government Board, this nineteenth day of June, in the year one thousand eight hundred and ninety-nine.

(L.S.) HENRY CHAPLIN, *President.*

S. B. PROVIS, *Secretary.*

A full list of the vaccinators who are at present (January, 1908) authorized to grant certificates of proficiency in vaccination will be found on pp. 198-200.

EDUCATIONAL VACCINATION STATIONS.

In order to provide for the granting of those Special Certificates of Proficiency in Vaccination which are required to be part of the Medical Qualification for entering into contracts for the performance of Public Vaccination, or for acting as deputy to a Contractor, the following arrangements are made :—

(1.) The Vaccination Stations enumerated in the subjoined list are open, under certain specified conditions, for the purposes of Teaching and Examination;

(2.) The Vaccinators officiating at these Stations are authorized to give the required Certificates of Proficiency in Vaccination to persons whom they have sufficiently instructed therein; and

(3.) The Vaccinators whose names in the subjoined list are printed in *italic letters* are also authorized to give such Certificates, after satisfactory examination, to persons whom they have not themselves instructed.

Cities and Towns having Educational Vaccination Stations.	Places used as Educational Vaccination Stations.	Vaccinators authorized to give Certificates of Proficiency in Vaccination.	Days and Hours of Attendance of the Vaccinators at Stations where periodic Courses of Instruction are given. (a)
<p>138t Alie Street. E</p> <p>LONDON</p> <p>1 Hanover House</p>	<p>Westminster Hospital St. Thomas's Hospital St. Thomas's Hospital 153 Drummond Street, N.W. Christ Church Mission Hall, Shroton Street, Marylebone St. Olave's and St. John's In- stitute, Tooley Street, S.E.</p> <p>Royal Free Hospital for Women St. Mary's Hospital N.W. Gray Inn Rd. Priory Rooms, Upper Priory W.C.1.</p>	<p>Dr. A. E. Cope, 66 Belgrave Rd. 26, Rosborough Gardens, S.W. Mr. Joseph Loane, 13, Great Alie Street, E. Mr. Edwin Climson Greenwood, St. John's Wood Park, N.W. Mr. Victor Alexander Jaynes, 157, Jamaica Road, Bermond- sey, S.E. Miss Mary Thomson, M.D., 114, Harley Street, W. Dr. Edmund Robinson, 213, Bristol Road, Edgbaston, Birmingham Mr. George Shepley Page, 78, Old Market Street, Bristol Mr. Frederick Deighton, Hills Road, Cambridge Mr. H. A. Schöllberg, University College, Cardiff Mr. A. T. Bacon, Westfield, Hyde Park Road, Leeds</p>	<p>Thursday, 11. * Tuesday, 10.30. * Monday, Wednesday; 1, Wednesday; 11. Friday; 3 (beginning in February May and November) Wednesday; 2 (except August)</p> <p>Friday, 10. Mrs. Edith Green (Temporary Teacher) Monday; 1.30.</p> <p>Wednesday; 11. Wednesday; 4. Tuesday; 11. *</p>
BIRMINGHAM			
BRISTOL	St. Peter's Hospital, Bristol		Wednesday; 11.
CAMBRIDGE	Addenbrooke's Hospital		Wednesday; 4.
CARDIFF	Roath Church Institute, Sun Street, Roath		Tuesday; 11.
LEEDS	Leeds General Infirmary		*

(a) Candidates for Certificates should communicate with the authorised teacher to learn the dates of his or her regular courses of instruction.

* Days and hours arranged each Session.

Cities and Towns having Educational Vaccination Stations.	Places used as Educational Vaccination Stations.	Vaccinators authorized to give Certificates of Proficiency in Vaccination.	Days and Hours of Attendance of the Vaccinators at Stations where periodic Courses of Instruction are given.(a)
LIVERPOOL .	17, Mulgrave Street	<i>Mr. Nathaniel Edvard Roberts,</i> 17, Mulgrave Street, Liverpool	Tuesday ; 3.
MANCHESTER	St. Mary's Hospital, Whitworth Street West, Manchester	<i>Dr. John Scott,</i> 249, Upper Brook Street, Manchester	*
NEWCASTLE- ON-TYNE	The Dispensary, Nelson Street	<i>Dr. Frank Hawthorn,</i> 6, Regent Terrace, Newcastle- upon-Tyne	Wednesday ; 3.
SHEFFIELD .	Jessop Hospital for Women	<i>Mr. P. E. Barber,</i> 3, Clarkehouse Road, Sheffield	*
ABERDEEN .	The Public Dispensary	<i>Mr. T. Fraser,</i> 51, Elmbank Terrace, Aberdeen	Wednesday ; 2.30.
DUNDEE . .	Royal Infirmary	<i>Dr. Robert Cochrane Buist,</i> 166, Nethergate, Dundee	Monday ; 2.
EDINBURGH {	Marshall Street Dispensary Livingstone Dispensary, 39, Cow- gate The Western Dispensary, Ponton Street The Royal Public Dispensary	<i>Dr. John Brown Buist,</i> 1, Clifton Terrace, Edinburgh <i>Dr. W. G. Aitchison Robertson,</i> 26, Minto Street, Edinburgh	Thursday ; 11. Tuesday ; 3. Thursday ; 3. Wednesday, Saturday ; 12.

(a) Candidates for Certificates should communicate with the authorized teacher to learn the dates of his or her regular courses of instruction.

* Days and hours arranged each Session.

Cities and Towns having Educational Vaccination Stations.	Places used as Educational Vaccination Stations.	Vaccinators authorized to give Certificates of Proficiency in Vaccination.	Days and Hours of Attendance of the Vaccinators at Stations where periodic Courses of Instruction are given. (a)
GLASGOW	The Royal Infirmary	Mr. H. H. Borland, 571, Alexandra Parade, Dennistown, Glasgow Mr. John Wylie Nicol, Glasgow 7, Kersland Terrace, Mr. John McLiesh, 91, Great Victoria Street, Belfast Dr. W. E. A. Cummins, 17, St. Patrick's Place, Cork <i>Dr. Alexander Nixon Montgomery,</i> 45, Upper Sackville Street, Dublin Mr. J. McDonogh, Flood Street, Galway	Monday; 12 (Women). Thursday; 12 (Men).
BELFAST	The Western Infirmary		Monday, Thursday; 12.
CORK	City of Belfast Union Infirmary		*
DUBLIN	Cork District Hospital		*
GALWAY	45, Upper Sackville Street		Tuesday, Friday; 10.
	The Dispensary		*

(a) Candidates for Certificates should communicate with the authorized teacher to learn the dates of his or her regular courses of instruction.

* Days and hours arranged each Session.

LOCAL GOVERNMENT BOARD,
October, 1907.

GENERAL ORDER—VACCINATION

AMENDING VACCINATION ORDER, 1898.

TO THE BOARD OF GUARDIANS of every Poor
Law Union in England and Wales ;—

To the Public Vaccinators authorized by
the Local Government Board to grant
Certificates of proficiency in Vaccina-
tion ;—

And to all others whom it may concern.

WHEREAS by the Vaccination Order, 1898, We,
the Local Government Board, made certain rules
and regulations with respect to Public Vaccination ;

And whereas by Article 2 of the said Order it is
provided that the Guardians of any Poor Law Union
shall not enter into a contract for public vaccination
with any registered medical practitioner, or approve
of any such practitioner as deputy for a Public
Vaccinator, unless he shall produce a certificate of
proficiency in vaccination given, under such con-
ditions as We from time to time fix, by some person
whom We shall have authorized to act for the
purpose and by whom he shall have been duly
instructed and examined in the practice of vaccina-
tion ; but that it shall not be necessary to produce
the certificate to the Guardians, if such certificate

Certificates of proficiency after examination, was required as a condition of obtaining any diploma, licence, or degree which the contractor possesses ;

And whereas it is expedient that the above-cited Article 2 should apply and have effect subject to the proviso herein-after appearing :

Now THEREFORE, We, the Local Government Board, in pursuance of the powers given to Us by the Statutes in that behalf, Do hereby Order as follows :—

Article 2 of the Vaccination Order, 1898, shall apply and have effect as if to the said Article there were added the following proviso ; that is to say,—

Provided that a certificate of proficiency in vaccination may be granted after examination only, and without a preliminary course of instruction, by a person whom We shall have authorized to act for the purpose—

to whom
given.

(a) to any registered medical practitioner who possesses a diploma, licence, or degree conferring the right of registration under the Medical Acts, and granted by an examining body in England and Wales or Scotland prior to the date at which the examining body first required, (a) as a condition of obtaining the diploma, licence, or degree, a certificate of proficiency in vaccination given by a person authorized by Us to act for the purpose ; and

(b) to any registered medical practitioner who possesses a diploma, licence, or degree which confers the right of registration

(a) See the L. G. B. circular of 12th June, 1905, p. 253.

under the Medical Acts, and which has been or may be granted by an examining body in Ireland, before the First day of January, One thousand nine hundred and six.

Given under the Seal of Office of the Local Government Board, this Eighth day of June, in the year One thousand nine hundred and five.

(L.S.) G. W. BALFOUR, *President.*

S. B. PROVIS, *Secretary.*

GENERAL ORDER—VACCINATION

AMENDING VACCINATION ORDER, 1898.(k)

TO THE BOARD OF GUARDIANS of every Poor Law Union in England and Wales;—

TO the Public Vaccinators of the several Vaccination Districts in England and Wales;—

And to all others whom it may concern,

WHEREAS by the Vaccination Order, 1898 (herein-after referred to as “the Order”), We, the Local Government Board, made certain rules and regulations with respect to Public Vaccination;

And whereas it is expedient that the Order should be altered so that such provision as is herein-after

(k) The alterations made in this Order by the Vaccination Order (No. II.), 1907, are indicated in their proper places.

The L. G. B. circular issued with the Vaccination Order, 1907, is printed on p. 257.

set forth may be made in relation to the subject-matter of the Order :

NOW THEREFORE, in pursuance of the powers given to Us by the Statutes in that behalf, We hereby Order and Direct that, from and after the First day of October, One thousand nine hundred and seven, the following provisions shall, unless We otherwise Direct, have effect ; namely,—

ARTICLE I.—The Order shall have effect as if, for Article 3, there were substituted the following Article, that is to say :—

Form of
contract.

Article 3.—(1.) Every contract for public vaccination, other than a contract with the Medical Officer of a Workhouse for the vaccination of the persons resident therein, shall be made in the Form set out in the First Schedule to this Order, with such modifications, if any, as the Guardians and the contractor adopt, and We approve ; and shall provide for payments to be made to the Public Vaccinator as follows : that is to say,—

Payments
to public
vaccinators.
Birth fees.

- (a) A payment of not less than one shilling in respect of every child whose birth has been registered in his District after the Thirty-first day of August, One thousand eight hundred and ninety-eight, or who is resident in his District and whose birth has been registered in some other District after that date, or has not been registered at all, except in the case of a child who has died or has been removed from the District before attaining the age of four months, or who has been duly certified to be successfully vaccinated otherwise than by the

Public Vaccinator, or to be insusceptible of vaccination, or to have had smallpox, before reaching that age, or with regard to whom a certificate under Section 2 of the Act of 1898, *or a valid statutory declaration under Section 1 of the Vaccination Act, 1907,*(*l*) is in force :

- (b) A payment of not less than two shillings and sixpence in respect of each case of successful vaccination performed by the Public Vaccinator at his surgery or elsewhere than at the home of the person vaccinated, where the case is that of

Fees for vaccinator elsewhere than at homes.

A person other than a child, or

A child whose age exceeds twelve months, and in whose case the parent or person having the custody of the child has requested that the child may be vaccinated elsewhere than at the home of the child, and the Public Vaccinator, having regard to the provisions of subsection (4) of Section 1 of the Act of 1898, has satisfied himself that the child can be safely vaccinated.

- (c) A payment of not less than two shillings and sixpence in respect of each case of successful re-vaccination performed by the Public Vaccinator at his surgery or elsewhere than at the home of the person vaccinated.

Fees for re-vaccination elsewhere than at homes.

- (d.) A payment in respect of each case of successful vaccination or of successful re-vaccination

(*l*) The words in italics were added by the Vaccination Order (No. II.), 1907.

Fees for
vaccination
and re-
vaccination
at homes.

performed by the Public Vaccinator at the home of the person vaccinated or re-vaccinated of an amount not less than the sum specified in such one of the rules set forth in this paragraph as is applicable to the case ; that is to say—

Rule 1. Where the District is one which is wholly situate in the County of London, or is wholly situate in a Borough or in another Urban District, with a population, according to the returns of the last census for the time being, of not less than fifty thousand persons, the amount of the payment in every case shall be a sum not less than two shillings and sixpence.

Rule 2. Where the District is one of which a part only is situate in the County of London, or of which a part only is situate in a Borough or in another Urban District, with a population, according to the returns of the last census for the time being, of not less than fifty thousand persons, the amount of the payment in every case shall be a sum not less than two shillings and sixpence.

Rule 3. Where the District is one to which Rule 1 and Rule 2 are inapplicable, the amount of the payment in every case shall be a sum not less than three shillings and sixpence.

- (e) Except so far as this subdivision otherwise provides, nothing in paragraphs (b), (c), and (d) of this subdivision shall apply in any case in which during a period of twenty-four consecutive hours successful vaccination or successful re-vaccination has been performed by the Public Vaccinator upon two or more persons at one and the same home, or on any premises (other than the surgery of the Public Vaccinator) whereon those persons were together present at any time during the aforesaid period.
- Fees for vaccinations and re-vaccinations where two or more done at same time and place.

In every such case, the amount to be paid to the Public Vaccinator shall in respect of the person vaccinated or re-vaccinated, be the sum which being not less than the sum specified in such one of the rules hereinbefore set forth as is applicable to the case of that person, is fixed in the Contract approved by us, and in force for the time being, or, in any case to which subdivision (1) of Article 5 applies, is fixed by an Instrument executed in pursuance of that subdivision, and in respect of every other person vaccinated or re-vaccinated, the amount to be paid to the Public Vaccinator shall be such a sum as is fixed in the Contract approved by Us, and in force for the time being, or such a sum as, in any case to which subdivision (1) of Article 5 applies, is fixed by an Instrument executed in pursuance of that subdivision.

- (f) Nothing in paragraphs (b), (c), (d), and (e)

Age for
re-vaccina-
tion.

of this subdivision shall authorize a payment to the Public Vaccinator in respect of the re-vaccination of a person who is less than ten years of age, or who has been re-vaccinated within the period of ten years immediately preceding.

Payments,
how
calculated.

(2.) The number of children in respect of whom payments are to be made in pursuance of paragraph (a) of subdivision (1) shall be the number of children in the Lists to be sent by the Vaccination Officer to the Public Vaccinator as provided by paragraph 6 (a) of the "Instructions to Vaccination Officers" in the Fourth Schedule to this order, together with the number of children not included in those Lists, but vaccinated by the Public Vaccinator himself.

How and
when paid.

(3.) Every payment to be made to the Public Vaccinator in accordance with this Article shall, subject to such of the provisions of this Article as fix the least amount payable, be of such amount, and shall be made at such times, and subject to such conditions as are fixed and prescribed in the contract approved by Us, and in force for the time being, or of such amount as, in any case to which subdivision (1) of Article 5 applies, is fixed by an Instrument executed in pursuance of that subdivision.

Postages.

(4.) Every payment made to the Public Vaccinator in accordance with this Article shall be deemed to include any expense in respect of postage incurred by the Public Vaccinator, unless otherwise agreed between him and the Guardians.

No pay-
ment unless
Acts and
regulations
observed.

ARTICLE II.—No payment shall be made to the Public Vaccinator in respect of any case of vaccination or re-vaccination unless the operation has

been performed in accordance with the Rules and Regulations made by Us and in force for the time being, and unless the provisions of the Vaccination Acts, 1867 to 1898, have been duly observed in relation to the case.

ARTICLE III.—The order shall have effect as if for subdivision (1) of Article 5 there were substituted the following subdivision ; that is to say :—

Provision for
existing
contractors.

Article 5.—(1) Any contract for public vaccination, other than a contract made with the Medical Officer of a Workhouse for the vaccination of the persons resident therein, which is in force on the Twenty-first day of May, One thousand nine hundred and seven, shall continue in force until the same has been determined by the death of the contractor or by notice as therein provided, or by Us, or until a new contract has been entered into with the contractor and has been approved by Us in place thereof : and the contract which is so continued in force shall, as from the First day of October, One thousand nine hundred and seven, be deemed, as regards the duties of the Public Vaccinator, in lieu of the provisions in that behalf therein contained, to require the Public Vaccinator to perform the duties prescribed by this Order, or specified in a Contract in the Form in the First Schedule hereto, and as regards the remuneration of the Public Vaccinator, in lieu of the payments mentioned in the contract continued in force, to provide for the payment of the Public Vaccinator by the Guardians after such rates as, in relation to the District, are, before the Thirty-first day of December, One thousand nine hundred and seven, set forth in an Instrument which shall be

Substitution
of new duties

and fees.

Approval of L.G.B. executed by Us, and of which one copy shall be sent to the Guardians, and one copy shall be sent to the Public Vaccinator.

For the purposes of this subdivision, and of any Instrument to be executed in pursuance thereof, the provisions of Article 3 of this Order shall have effect, subject to such adaptations or modifications as are made by the Instrument.

Settlement of differences as to fees. If any difference arises between the Guardians and the Public Vaccinator in relation to the Instrument, or to any matter or thing affected by the Instrument, the difference shall, on the application of the Guardians or of the Public Vaccinator be determined by Us, and the contract continued in force by this subdivision shall have effect subject to Our determination of the difference.

Public Vaccinator's visit to child's home. ARTICLE IV.—Article 7 of the Order shall have effect as if in subdivision (2) of that Article the words "four weeks" were substituted for the words "two weeks."

Resolution appointing Vaccination Officer. ARTICLE V.—Article 12 of the Order shall have effect as if the words "the Clerk to the Guardians" were substituted for the words "the Guardians" where those words first occur in the Article.

Instructions to Vaccination Officers amended. ARTICLE VI.—Article 26 of the Order and the Fourth Schedule thereto shall have effect as if in the Fourth Schedule there were substituted for the paragraph (a) of the Instructions to Vaccination Officers, numbered 6 in that Schedule, the following paragraph :—

- (a) If on the expiration of seven days after any child entered thereon shall have attained

the age of three calendar months none of the certificates mentioned in paragraph 2 of these Instructions *and no statutory declaration under section 1 of the Vaccination Act, 1907, (m)* shall have been received by the Vaccination Officer, and he shall not have in his possession a valid certificate of postponement in respect of such child, he shall proceed to give notice and make inquiry in the Form Q. set forth in the Fifth Schedule to this Order with a view to obtain the requisite certificate. If on making these inquiries he is unable to ascertain that the child has been vaccinated, but the child is still resident in the district, the Vaccination Officer shall include the name and home of the child in a List which he shall send to the Public Vaccinator in the Form H. set out in the Fifth Schedule to this Order. The Lists shall be sent once in each week, and the name of each child shall be included in such list that it may reach the Public Vaccinator within three weeks of the child having attained the age of four months. The date of sending the notice to the Public Vaccinator must be entered by the Vaccination Officer in his Report Book.

ARTICLE VII.—Article 30 of the Order, and the Fifth Schedule thereto, shall have effect as if—

- (a) In paragraph 5 of Form A. in the Fifth Schedule the words “four weeks” were substituted for the words “two weeks.”

(m) These words were added by the Vaccination Order (No. II.), 1907.

Forms
amended.

(b) For Form B., Form C., Form D., Form E., Form F., and Form H. in the Fifth Schedule there were substituted the Forms bearing the same distinguishing letters, and set forth in the Second Schedule to this Order ; and

New form
provided for.

(c) The Form Q. set forth in the Second Schedule to this Order were inserted in the Fifth Schedule, and the following paragraph were added to the Article ; that is to say :—

(15) The Notice to be given by the Vaccination Officer to parents or other persons having custody of children with regard to the transmission of certificates of successful vaccination and inquiry respecting the same in pursuance of the paragraph (a) of the Instructions to Vaccination Officers numbered 6 in the Fourth Schedule to this Order, shall be in the Form Q.

New form of
vaccination
contract.

ARTICLE VIII.—The Order and the First Schedule thereto shall have effect as if, for that Schedule and the Form therein set out, there were substituted the First Schedule to this Order and the Form set out in that Schedule.

Fees to
existing
teachers of
vaccination.

ARTICLE IX.—(1.) So long as a Public Vaccinator who is named in the Schedule to the Vaccination Order, 1899, or a Public Vaccinator whom, prior to the Twenty-first day of May, One thousand nine hundred and seven, We have authorized to give Certificates of due qualification in the practice of

Vaccination, continues to be authorized to give those Certificates, nothing in this Order shall, in relation to the said Public Vaccinator, affect the operation of the Vaccination Order, 1899, or of so much of the Order as is applied by the Vaccination Order, 1899, to that Public Vaccinator.

(2.) Nothing in Article II. of the Vaccination Order, 1899, shall apply to a Public Vaccinator Fees to new teachers of vaccination. whom, after the Twenty-first day of May, One thousand nine hundred and seven, We may authorize to give Certificates of due qualification in the practice of Vaccination.

ARTICLE X.—This Order may be cited as the Title. Vaccination Order, 1907, and the Order and this Order may be cited together as the Vaccination Orders, 1898 and 1907.

The Schedules above referred to.(n)

FIRST SCHEDULE.

Form of Vaccination Contract.

This form will be found on page 151, *ante*.

SECOND SCHEDULE.(n)

Form B. (See page 177.)

THE VACCINATION ACTS, 1867 TO 1898.

Medical Certificate of Postponement of Vaccination
owing to the state of the Child's Health.

(n) The forms prescribed in the Schedules have been printed in the Vaccination Order, 1898. It has not been thought necessary to print them here again.

Form C. (See page 178.)

THE VACCINATION ACTS, 1867 TO 1898.

Medical Certificate of Postponement of Vaccination
owing to the condition of the House, or the
recent prevalence of Infectious Disease in the
District.

Form D. (See page 179.)

THE VACCINATION ACTS, 1867 TO 1898.

Medical Certificate of Insusceptibility of successful
Vaccination, or of Child having had Smallpox.

Form E. (See page 180.)

THE VACCINATION ACTS, 1867 TO 1898.

Medical Certificate of successful Vaccination.

Form F. (See page 181.)

THE VACCINATION ACTS, 1867 TO 1898.

Medical Certificate under Section 12 of the
Vaccination Act, 1871, of successful Vaccination.

Form H. (See page 182.)

THE VACCINATION ACTS, 1867 TO 1898, *and the
Vaccination Act, 1907.*(a)

List of Children in respect of whom the necessary
Certificates have not been received by the Vac-
cination Officer.

(a) The words in italics were added by the Vaccination
Order (No. II.), 1907.

Form Q. (See page 192.)

THE VACCINATION ACTS, 1867 TO 1898, *and the*
Vaccination Act, 1907.(a)

Notice by Vaccination Officer to Parent or other
Person having Custody of Child with regard
to transmission of Certificate of successful
Vaccination, and inquiry respecting the same.

Given under the Seal of Office of the Local Govern-
ment Board this Twenty-first day of May, in the
year One thousand nine hundred and seven.

(L.S.)

JOHN BURNS, *President.*

S. B. PROVIS, *Secretary,*

GENERAL ORDER: VACCINATION

AMENDING VACCINATION ORDERS, 1898 AND 1907.

TO THE BOARD OF GUARDIANS of every Poor
Law Union in England and Wales;—

And to all others whom it may concern.

WHEREAS by the Vaccination Order, 1898 (herein-
after referred to as “the Order of 1898”), as
amended by the Vaccination Order, 1907 (herein-
after referred to as “the Order of 1907”), We, the
Local Government Board, made in pursuance of
the Vaccination Acts, 1867 to 1898, certain rules
and regulations with respect to Public Vaccination,
and by Article 30 of the Order of 1898, as altered

by Article VII. of the Order of 1907, and by an Order dated the 21st day of September, 1907 (herein-after referred to as "the Temporary Order"), (o) We prescribed the Form of the Notice to be given by the Registrar of Births in pursuance of Section 15 of the Vaccination Act, 1867 ;

And whereas by Section 1 of the Vaccination Act, 1907 (herein-after referred to as "the Act of 1907"), it is enacted that the Vaccination Act, 1898 (herein-after referred to as "the Act of 1898"), shall be read as if the following section were substituted for Section 2 of that Act :—

- (1) No parent or other person shall be liable to any penalty under section twenty-nine or section thirty-one of the Vaccination Act of 1867, if within four months from the birth of the child he makes a statutory declaration that he conscientiously believes that vaccination would be prejudicial to the health of the child, and within seven days thereafter delivers or sends by post the declaration to the vaccination officer of the district.
- (2) A statutory declaration made for the purpose of this section shall be exempt from stamp duty.
- (3) A statutory declaration for the purposes of this section shall be made in the form set out in the Schedule to this Act, or in a form to the like effect.

And whereas Section 2 of the Act of 1898 was repealed by the Act of 1907, and the last-mentioned Act comes into operation on the 1st day of January, 1908 ;

And whereas it is expedient that the Temporary Order should be rescinded, and that We should, by Order, prescribe a new Form of Notice in lieu of the Form herein-before referred to, and that the Order of 1898 and the Order of 1907 should be further altered in the manner herein-after appearing :

NOW THEREFORE, in pursuance of the powers given to Us by the Statutes in that behalf, We hereby Order and Direct as follows, that is to say :—

ARTICLE I.—The Temporary Order (*o*) shall be rescinded, but the rescission shall not affect the validity of any Form of Notice given in pursuance of the Temporary Order before the First day of January, One thousand nine hundred and eight.

Rescinding
temporary
order.

ARTICLE II.—(1.) Article 30 of the Order of 1898 and the Fifth Schedule to that Order shall have effect as if the proviso in paragraph (14) of the said Article were omitted from that paragraph, as if for the Form of Notice prescribed by the Order of 1898 as altered by Article VII. of the Order of 1907 there were substituted the Form (*p*) set forth in the First Schedule to this Order, as if for the Form M. prescribed by that Article there were substituted the Form M. (*q*) set forth in the Second Schedule to this Order, and as if from paragraph 8 of the Instructions to Vaccination Officers in the Fourth Schedule to the Order of 1898 the words “set out in the Fifth Schedule to this Order” were omitted ;

New forms
prescribed.

(*o*) The “Temporary Order,” having ceased to operate, has not been printed in the present volume.

(*p*) The form referred to is the notice of requirement of vaccination given to parents by registrars on the registration of births. It will be found on p. 174.

(*q*) Form M. will be found on pp. 186 and 187.

Old forms of certificate continued in use. (2.) The Forms B., C., D., E., and F., in the Fifth Schedule to the Order of 1898, may continue to be used in place of the Forms B., C., D., E., and F., in the Second Schedule to the Order of 1907, until We otherwise direct (*r*).

Verbal amendments. ARTICLE III.—The Order of 1898 and the Order of 1907 shall have effect subject to the modifications set out in the Third Schedule to this Order.

Order to come into operation. ARTICLE IV.—This Order shall come into operation from and after the Thirty-first day of December, One thousand nine hundred and seven.

Title. ARTICLE V.—This Order may be cited as “The Vaccination Order (No. II.), 1907.”

FIRST SCHEDULE.

Form A.

THE VACCINATION ACTS, 1867 TO 1898 AND THE
VACCINATION ACT, 1907.

Notice of the Requirement of Vaccination.

This form is printed on p. 174.

SECOND SCHEDULE.

Form M.

VACCINATION OFFICER'S REPORT BOOK.

This form is printed on pp. 186 and 187.

(*r*) See note on p. 150.

THIRD SCHEDULE.

Modifications of the Order of 1898 and of the Order of 1907.

Modifications to be made.	Provisions of the Order of 1898, or of the Order of 1907 to be modified.
I.	
The following substitutions of words and figures shall be made:—	
"Column 18" for "Column 17"	Article 20 (1) (c) of the Order of 1898.
"and every certificate or statutory declaration of the conscientious belief" for "or of the conscientious belief."	Paragraph 2 of the Fourth Schedule to the Order of 1898.
"Column 18" for "Column 17"	Paragraph 3 of the Fourth Schedule to the Order of 1898.
"those sections" for "that section"	Paragraph 6 (d) of the Fourth Schedule to the Order of 1898.
"any of the certificates" for "any other of the certificates."	Paragraph 6 (d) of the Fourth Schedule to the Order of 1898.
"the Local Government Board" for "Us"	Paragraph 5 (iii) of the Covenant by Guardians in the Form of Vaccination Contract set out in the First Schedule to the Order of 1907.

II.

The following insertions of words and figures shall be made:—

"or statutory declarations"	Article 7 (3) of the Order of 1898 (after the word "certificates").
"and Statutory Declarations"	Article 23 of the Order of 1898 (after the word "certificates" where that word firstly occurs).
"Statutory Declarations"	Article 23 of the Order of 1898 (after the word "Books" where that word secondly occurs).

Modifications to be made.	Provisions of the Order of 1898, or of the Order of 1907 to be modified.
"and statutory declarations"	Article 27 of the Order of 1898 (after the word "certificates" where that word firstly occurs).
"or statutory declarations"	Article 27 of the Order of 1898 (after the word "certificates" where that word secondly occurs).
"and the Vaccination Act, 1907"	Paragraph 1 of the Fourth Schedule to the Order of 1898 (after the figures "1898").
"or statutory declarations"	Paragraph 2 of the Fourth Schedule to the Order of 1898 (after the word "certificates" where that word firstly occurs).
"or a statutory declaration"	Paragraph 2 of the Fourth Schedule to the Order of 1898 (after the words "above referred to").
"or statutory declaration"	Paragraph 3 of the Fourth Schedule to the Order of 1898 (after the words "any certificate").
"or a statutory declaration under Section 1 of the Vaccination Act, 1907."	Paragraph 6 (d) of the Fourth Schedule to the Order of 1898 (after the words "Vaccination Act, 1898").
"and the Vaccination Act, 1907"	Paragraph 7 of the Fourth Schedule to the Order of 1898 (after the figures "1898").
"and statutory declaration"	Paragraph 10 of the Fourth Schedule to the Order of 1898 (after the words "every certificate").
"or any statutory declaration under Section 1 of the Vaccination Act, 1907, not made in accordance with the requirements of that Act."	Paragraph 10 of the Fourth Schedule to the Order of 1898 (after the words "by that section").
"or statutory declaration"	Paragraph 11 of the Fourth Schedule to the Order of 1898 (after the word "certificate" wherever that word occurs).

Modifications to be made.	Provisions of the Order of 1898, or of the Order of 1907 to be modified.
"and statutory declaration"	Paragraph 18 of the Fourth Schedule to the Order of 1898 (after the word "certificate" where that word firstly occurs).
"or statutory declaration"	Paragraph 18 of the Fourth Schedule to the Order of 1898 (after the word "certificate" where that word secondly occurs).
"or Date of Statutory Declaration under Section 1 of the Vaccination Act, 1907."	The heading of Column IV. of Form L in the Fifth Schedule to the Order of 1898 (after the words and figures "Vaccination Act, 1898").
"and No. of Statutory Declarations under Section 1 of the Vaccination Act, 1907."	The heading of Column 6 of Form N in the Fifth Schedule to the Order of 1898 (after the words and figures "Vaccination Act, 1898").
"or a valid statutory declaration under Section 1 of the Vaccination Act, 1907."	Article 1 of the Order of 1907, which substitutes Article 3 (1) (a) as therein set forth for the provisions of Article 3 (1) of the Order of 1898 (before the words "is in force").
"and no statutory declaration under section 1 of the Vaccination Act, 1907."	Article VI. of the Order of 1907 which substitutes paragraph 6 (a) as therein set forth for the provisions of paragraph 6 (a) of the Fourth Schedule to the Order of 1898 (after the word "Instructions").
"or a valid statutory declaration under Section 1 of the Vaccination Act, 1907."	Paragraph (1) of the Covenant by Guardians in the Form of Vaccination Contract set out in the First Schedule to the Order of 1907 (before the words "is in force").
"and the Vaccination Act, 1907"	Form II. in the Second Schedule to the Order of 1907 (after the figures "1898" where those figures firstly occur).

Modifications to be made.	Provisions of the Order of 1898, or of the Order of 1907 to be modified.
"or statutory declarations"	Form H. in the Second Schedule to the Order of 1907 (after the word "Certificates" where that word firstly occurs).
"or any statutory declaration under the Vaccination Act, 1907."	Form H. in the Second Schedule to the Order of 1907 (after the words and figures "Vaccination Acts, 1867 to 1898" where those words and figures secondly occur).
"and the Vaccination Act, 1907"	Form Q. in the Second Schedule to the Order of 1907 (after the figures "1898").

Given under the seal of office of the Local Government Board this twenty-first day of December, in the year one thousand nine hundred and seven.

JOHN BURNS,
President.

(L.S.)
S. B. PROVIS, *Secretary.*

APPENDIX.

THE LOCAL GOVERNMENT BOARD ACT, 1871.

34 & 35 VICT. CAP. 70.

An Act for constituting a Local Government Board, and vesting therein certain functions of the Secretary of State and Privy Council concerning the Public Health and Local Government, together with the powers and duties of the Poor Law Board.
[14th August, 1871.]

Whereas it is expedient to concentrate in one department of the Government, as hereinafter provided, the supervision of the laws relating to the public health, the relief of the poor, and local government :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows : (a)

(a) Repealed by the Statute Law Revision (No. 2) Act, 1893.

Preliminary.

1. This Act may be cited as "The Local Govern- Short title.
ment Board Act, 1871."

Appdx.

Establishment of Local Government Board.

—
Establish-
ment of
Local
Government
Board.

2. A Board shall be established, to be called the Local Government Board, (a) [and from and after the establishment of such board the Poor Law Board shall cease to exist], and all powers and duties vested in or imposed on the Poor Law Board by the several Acts of Parliament relating to the relief of the poor and any other Acts, or vested in or imposed on one of Her Majesty's principal Secretaries of State by the enactments in that behalf mentioned in the first part of the schedule annexed hereto, so far as such powers and duties relate to England, or vested in or imposed on Her Majesty's Most Honourable Privy Council by the enactments in that behalf specified in the second part of the said schedule, shall be transferred to and imposed on the said Local Government Board, and, except as otherwise provided by this Act, shall be exercised and performed by such Board in like manner and form, and subject to the same conditions, liabilities, and incidents respectively as such powers and duties might before the passing of this Act have been exercised and performed by the authorities in whom the same were then vested respectively, or as near thereto as circumstances admit.

(a) Part of section 2 was repealed by the Statute Law Revision (No. 2) Act, 1893.

Constitution
of Local
Government
Board.

3. The Local Government Board shall consist of a president to be appointed by Her Majesty, and to hold office during the pleasure of Her Majesty, and of the following ex-officio members, that is to say, the Lord President of Her Majesty's most Honourable Privy Council, all Her Majesty's principal Secretaries of State for the time being, the Lord Privy Seal, and the Chancellor of the Exchequer.

The Local Government Board shall be deemed to be established from and after the date of the first appointment of a president under this Act. (a) Appdx. —

The Local Government Board may appoint, in writing such secretaries, assistant secretaries, inspectors, auditors, clerks, messengers, and other officers as the Board may, with the sanction of the Treasury, determine.

No payment shall be made in respect of their duties under this Act to the ex-officio members of the Local Government Board, but there shall be paid out of moneys provided by Parliament to the president, secretaries, and other officers of the Board such salaries as the Treasury may from time to time determine: Provided, that the appointment of any officer to a new office made by the Local Government Board in pursuance of this section shall be deemed to be temporary only until the salary of such office has been provided for by Parliament.

The words in italics were repealed by the Statute Law Revision (No. 2) Act, 1893.

(a) The first president, the Rt. Hon. J. Stansfeld, M.P., was appointed on the 19th August, 1871.

4. The president and one of the secretaries of the Local Government Board shall at the same time be capable of being elected to and of voting in the Commons House of Parliament, and the office of president shall be deemed to be an office included in Schedule H. of the Representation of the People Act, 1867; in Schedule H. of the Representation of the People (Scotland) Act, 1868; and in Schedule E. of the Representation of the People (Ireland) Act, 1868. President and one of the secretaries may sit in Parliament.

5. The Local Government Board may adopt an official seal, and describe themselves generally by the Seal, style, and acts of Board.

Appdx. style and title of "The Local Government Board,"
 — and, save as hereinafter provided, any act to be done or instrument to be executed by or on behalf of the Local Government Board may be done or executed in the name of that Board by the president or by any member of the Local Government Board, or by a secretary or assistant secretary, if such secretary or assistant secretary is authorized to do or execute the same by any general order of the Local Government Board. (a)

A rule, order, or regulation made by the Local Government Board shall be valid if it is made under the seal of the Board, and signed by the president or one of the ex-officio members of the Board, and countersigned by a secretary or assistant secretary ; and the production of such *primâ facie* evidence of any of the said rules, orders, or regulations as is required by the Documentary Evidence Act, 1868, (b) with respect to the rules, orders, or regulations of the Poor Law Board, shall, until the contrary is shown, be a sufficient proof that any such rule, order, or regulation of the Local Government Board was duly made.

(a) An order was issued on 26th May, 1877, delegating certain powers to the secretaries and assistant secretaries. (Local Government Board's Seventh Annual Report, p. 558.)

(b) The Documentary Evidence Act, 1868 (31 & 32 Vict. c. 37, s. 2), provides as follows :—" *Primâ facie* evidence of any proclamation, order, or regulation, issued before or after the passing of this Act, by Her Majesty or by the Privy Council, also of any proclamation, order, or regulation issued before or after the passing of this Act, by or under the authority of any such department of the Government or officer as is mentioned in the first column of the schedule hereto" (the Poor Law Board is mentioned). "may be given in all courts of justice and in all legal proceedings whatsoever, in all or any of the modes hereinafter mentioned, that is to say : (1) By the production of a copy of the *Gazette* purporting to contain such

Appdx.

proclamation, order, or regulation. (2) By the production of a copy of such proclamation, order, or regulation purporting to be printed by the Government printer, or where the question arises in a court in any British Colony or Possession, of a copy purporting to be printed under the authority of the legislature of such British Colony or Possession. (3) By the production, in the case of any proclamation, order, or regulation issued by Her Majesty or the Privy Council, of a copy or extract purporting to be certified to be true by the Clerk of the Privy Council, or by any one of the Lords or others of the Privy Council; and, in the case of any proclamation, order, or regulation issued by or under the authority of any of the said departments or officers, by the production of a copy or extract purporting to be certified to be true by the person or persons specified in the second column of the said schedule in connection with such department or officer. ('This includes 'any Commissioner of the Poor Law Board, or any secretary or assistant secretary of the said board.')

Any copy or extract made in pursuance of this Act may be in print or in writing, or partly in print and partly in writing. No proof shall be required of the handwriting or official position of any person certifying, in pursuance of this Act, to the truth of any copy of or extract from any proclamation, order, or regulation."

6. *[All officers, clerks, and other persons employed in or about the execution of the powers and duties by this Act transferred to the Local Government Board shall, from and after the establishment of the Local Government Board, be attached to and under the control of the Local Government Board.]*

Transfer of officers.

The officers, clerks, and persons so attached shall in other respects hold their offices and places upon the same terms and conditions, and shall have the same powers, privileges, and immunities with respect to the performance of their duties as if this Act had not passed.]

The Local Government Board may, by order, distribute the business to be performed under the Local Government Board amongst the several officers and persons transferred to the Board by this Act in such

Appdx. manner as the Local Government Board may think
— expedient.

The clauses in *italics* were repealed by the Statute Law Revision (No. 2) Act, 1893.

Construc-
tion of Acts
and docu-
ments, and
power of
Local
Government
Board.

7. In the construction of and for the purposes of any Act of Parliament, contract, or other document passed, entered into, or made before the establishment of the Local Government Board, (*a*) but so far only as may be necessary for exercising the powers and discharging the duties by this Act transferred to and imposed on the Local Government Board, the name of such Board shall, according to circumstances, be deemed to be substituted for the Poor Law Board, one of Her Majesty's principal Secretaries of State, or Her Majesty's Most Honourable Privy Council, as the case may require ; and any act or thing which might, if this Act had not passed, have been done by the Poor Law Board, or by one of Her Majesty's principal Secretaries of State, or by Her Majesty's Most Honourable Privy Council, so far as relates to the powers and duties hereby transferred, may be done by the Local Government Board.

(*a*) See also 34 & 35 Vict. c. 98, s. 16, *ante*, p. 98.

Duplicate
returns to
be sent to
Local
Government
Board.

8. Where under an Act, whether passed before or after the passing of this Act, any return relative to any rate, toll, tax, or due raised in England (other than such as is raised for the public revenue of the United Kingdom) is required to be sent to one of Her Majesty's Secretaries of State or any other department of the Government, a duplicate of such return shall in like manner be sent to the Local

Government Board, and any person failing to send the same shall be subject to the like penalties as a person neglecting to send any return under the Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter fifty-one. (a)

Appdx.
—

(a) An Act to provide for an annual return of rates, taxes, tolls, and dues levied for local purposes in England. Section 2 is as follows:—"Any clerk, treasurer, churchwarden, officer, or other person, required as aforesaid to make such return, who neglects so to do in the month of June in any year, shall be liable to a penalty not exceeding twenty pounds for every such offence, to be recoverable on summary conviction thereof before two justices."

SCHEDULE

referred to in the foregoing Act.

PART I.

Powers and Duties of Secretary of State.

Subject.	Act.
Registration of Births, Deaths, and Marriages	6 & 7 W. 4, c. 86. 7 W. 4 & 1 Vict. c. 22.
Public Health	11 & 12 Vict. c. 63.
Local Government	21 & 22 Vict. c. 98. 24 & 25 Vict. c. 61. 26 & 27 Vict. c. 17.
Drainage. Sanitary Matters	28 & 29 Vict. c. 75. 29 & 30 Vict. c. 90. 30 & 31 Vict. c. 113. 31 & 32 Vict. c. 115. 32 & 33 Vict. c. 100.
Baths and Wash-houses	9 & 10 Vict. c. 74. 10 & 11 Vict. c. 61.
Public Improvements	23 & 24 Vict. c. 30.
Towns Improvement	10 & 11 Vict. c. 34.
Artizans and Labourers Dwellings	31 & 32 Vict. c. 130.
Returns. Local Taxation	23 & 24 Vict. c. 51.
	And any Acts amending the said Acts, and conferring powers on the said Secretary of State.

Appdx.

PART II.

Powers and Duties of Privy Council.

Subject.	Act.
Prevention of Disease	11 & 12 Vict. c. 63. 18 & 19 Vict. c. 116. Sections one, three, five, and six of 21 & 22 Vict. c. 97. 22 & 23 Vict. c. 3. 23 & 24 Vict. c. 77. 29 & 30 Vict. c. 90. 31 & 32 Vict. c. 115.
Vaccination	30 & 31 Vict. c. 84. And any Acts amending the said Acts, and con- ferring powers on the said Privy Council.

This schedule has been partially repealed by the Statute Law Revision (No. 2) Act, 1893.

CIRCULARS.

*Circular. Guardians.*Appdx.
—

THE VACCINATION ACT, 1898.

LOCAL GOVERNMENT BOARD,
WHITEHALL, S.W.,
21st October, 1898.

SIR,

I am directed by the Local Government Board again to draw the attention of the guardians to the Vaccination Act, 1898 (61 & 62 Vict. c. 49).

The Act will, except as regards the provisions of section 2 which are already in force and to which the Board drew attention in their letter of the 16th August last, (a) come into operation on the 1st January next, and will remain in force until the 1st January, 1904. (b)

A copy of the Act, with the exception of the schedule of the enactments repealed by it, is enclosed, and it will be seen that it makes important alterations in the law as regards the vaccination of children by the public vaccinator and as regards the liability of the parent, or other person having the custody of the child, to penalties for failure to have

(a) The letter of the 16th August, 1898, had only a temporary purpose. It is not reprinted in the present volume.

(b) The Act has been continued from year to year by the Expiring Laws Continuance Acts.

Appdx. the child vaccinated. These alterations have rendered it necessary to revise many of the provisions in the existing Orders under the Vaccination Acts ; and further the Board are empowered by section 6 of the new Act to make rules and regulations with respect to the duties and remuneration of public vaccinators, whether under contracts made before or after the passing of the Act. Under these circumstances the Board have thought it advisable to issue a new Order rescinding all the Orders under the Vaccination Acts now in force and making fresh regulations so far as necessary. Copies of the new Order are enclosed.

—
The
Vaccination
Order, 1898.

The Order will come into operation on the 1st of January next, but there are certain matters under it which it is important that the guardians should deal with before the 1st of January, although the arrangements made will only take effect after that date. The Board are desirous of bringing these matters under the notice of the guardians.

Public Vaccinators.

As the Board pointed out in their circular letter of the 16th of September last, (c) public vaccination at prescribed stations will be discontinued at the end of this year, except in those cases where, under section 7 of the recent Act, the Board deemed it expedient by reason of serious risk of outbreak of smallpox or other exceptional circumstances to require the guardians to provide vaccination stations. A system of domiciliary vaccination will, save in the exceptional instances above referred to, take the place of

(c) This letter is not reprinted in the present volume. It had only a temporary purpose.

stational vaccination. The duties of the public vaccinators will, therefore, be considerably altered by the Act and the new Order, and it has become necessary to make fresh provision as to their remuneration.

Appdx.

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The
Vaccination
Order, 1898.

As regards the existing public vaccinators, it will not be requisite that fresh contracts should be entered into with them in consequence of the Act of 1898 or of the new Order. The contracts which are in force on the 1st of January next may be determined in the same way as heretofore ; but until this is done, or new contracts are entered into, they will be continued in force by Article 5 of the Order. Any such contract, however, is from the 1st of January next, except in the case of a contract made with the medical officer of a workhouse for the vaccination of the persons resident therein, to be deemed, as regards the duties of the public vaccinator, to require him, in lieu of the provisions contained in the contract, to perform the duties prescribed by the Order, and specified in the form of contract in the First Schedule to the Order. The contract is also to be deemed, as regards the remuneration of the public vaccinator, in lieu of the payments mentioned in it, to provide for such payments being made to him by the guardians, as are prescribed by Article 3 (1), (a), (b) and (c) of the Order.^(d) It will be seen that by this Article the minimum amount only of each of the payments to be made is fixed. Subject to this minimum, the precise sums to be paid are to be settled by agreement

(d) Article 3 of the Order of 1898 has been superseded by Art. 3 of the Vaccination Order, 1907, by which new scales of fees have been provided.

Appdx. between the guardians and the public vaccinator, and to be approved by the Board; but, if not thus settled before the 1st of January next, the sums are to be determined by the Board. It is very desirable that the guardians and the public vaccinators should agree as to the sums to be paid, and attention should be given to the matter at once. As soon as the guardians and the public vaccinator have agreed, the amounts should be reported to the Board for approval.

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The
Vaccination
Order, 1898.

It will be understood that the payments specified in the present contracts will cease as from the 1st of January next. Where in any instance the Board require the guardians to provide vaccination stations under the exceptional circumstances provided for by section 7 of the Act, a further Order will be issued, which will deal with the question of the remuneration to be paid to the public vaccinator for vaccinations performed at these stations.

Any contract made under the Vaccination Act of 1867 with the medical officer of a workhouse for the vaccination of the persons resident in it, which is in force on the 1st of January next, will be deemed, as regards his duties and remuneration as public vaccinator, in lieu of the provisions contained in the contract, to contain the provisions set out in the form of contract in the Second Schedule to the Order. Subject to the conditions mentioned in the form of contract, the medical officer will in these cases be entitled to receive a sum of not less than half-a-crown for every successful primary vaccination or re-vaccination performed by him on persons resident in the workhouse. The actual amount to be paid should be agreed between the guardians and the medical

officer, and must be approved by the Board. If an Appdx. agreement is not arrived at before the 1st of January next, the amount will be settled by the Board.

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The
Vaccination
Order, 1898.

Vaccination Officers.

Under the Order additional duties will devolve on the vaccination officers, and new provisions have been made as to the mode of remunerating them. As regards any vaccination officer in office on the 1st of January next his appointment and tenure of office will not be affected by the rescission of the Order under which he was appointed, but, as from that date, he will be required to perform the duties prescribed by the new Order, and he will be remunerated in the manner specified in that Order.

It will be seen that under Article 20 (1) the remuneration of the vaccination officer will consist of the three payments referred to therein, but that only the minimum sum to be paid in respect of each of these payments is prescribed. Subject to this minimum, the amount of each of the payments will be such as the Board may approve or direct. The guardians should at once take into consideration the amount of the payments to be made to each vaccination officer in accordance with the Article as from the 1st of January next, and forward their proposals to the Board for approval.

As regards any costs and expenses incurred by the vaccination officer, the Board may draw attention to the provisions of Article 29 of the Order.

Appdx.

Proceedings to enforce the Vaccination Acts.

The
Vaccination
Order, 1898.

Having regard to the decision of the Queen's Bench Division in the case of *Bramble v. Lowe*, (1897) 1 Q. B. 283; 66 L. J. Q. B. 243, and to the opinions given by the law officers of the Crown, the Board have not inserted any provision in the Order imposing any duty either on the guardians or on the vaccination officer as regards the institution and conduct of proceedings. The power and the duty of taking such proceedings are vested in the vaccination officer under the Vaccination Acts passed prior to the Act of last Session, without any Order of the Board or direction from the guardians. The Board have, however, provided by Article 28 of the new Order, that the guardians shall require the due performance of the various duties imposed upon the vaccination officer by the Vaccination Acts, 1867 to 1898, and that in case of any continued neglect upon his part they shall report the same to the Board.

In connection with the question of proceedings for the enforcement of vaccination, the Board may refer to sections 3 and 4 of the Act of 1898, which enact that an Order under section 31 of the Act of 1867, directing a child to be vaccinated, shall not be made on any person who has previously been convicted of non-compliance with a similar order relating to the same child, and that no proceedings under section 31 shall be taken against any parent or person who has been convicted under section 29 on account of the same child, until it has reached the age of four years.

The Board request that you will be good enough to give a copy of the Order and of this letter to each

of the public vaccinators and vaccination officers in the Poor Law Union. If further copies are required for this purpose, they will be supplied on application to the Board.

Appdx.
—
The
Vaccination
Order, 1898.

I am, Sir,

Your obedient Servant,

HUGH OWEN,

Secretary.

The Clerk to the Guardians.

The Lutterworth guardians appointed a vaccination officer, with a special condition attached to his appointment that he should only prosecute defaulters under the Vaccination Acts when specially authorized by the guardians under their common seal. The Local Government Board informed the guardians that they had been advised by the Solicitor-General and Mr. Sutton (Counsel to the Treasury) that the duties of the vaccination officer are determined by the Vaccination Acts and Order, and cannot be curtailed, restricted, or superseded by any resolution of the guardians; and the law officers of the Crown gave it as their opinion that the appointment in the above case was void, and that the guardians must make a valid appointment. (63 J. P. 553.)

Circular. Guardians.

THE VACCINATION ACTS, 1867 to 1898.

LOCAL GOVERNMENT BOARD,

WHITEHALL, S.W.,

17th September, 1901.

SIR,

I am directed by the Local Government Board to state that they have had occasion to consult the Law Officers of the Crown upon certain questions which have recently arisen under the Vaccination Acts 1867 to 1898, more particularly in connection

Appdx. with proceedings taken with a view to procuring an Order for the vaccination of a child under the provisions of section 31 of the Vaccination Act, 1867.

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Advice as to
procedure
under
Vaccination
Acts.

The Board think it desirable that boards of guardians should be informed of the views which, under the advice of the Law Officers, the Board entertain in respect to the points hereafter mentioned.

If in any case where an application is made to justices for an Order for the vaccination of a child under section 31 of the Act of 1867, an objection is taken to the proceedings on any ground which may be antagonistic to the views expressed in this letter, and the justices seem inclined to dismiss the summons on that ground, the Board suggest that the justices should be made aware of their opinion on the subject, and of the fact that the opinion is based on the advice of the Law Officers of the Crown.

Service of Public Vaccinator's Notice under section 1 (3) of the Vaccination Act, 1898.

It is not necessary that the notice to be given by a public vaccinator of his intention to visit the home of a child in order to offer to vaccinate it should be served personally upon the parent, or other person having the custody of the child, to whom it is given, or that it should be served by the Public Vaccinator or his deputy in person. It will be sufficient if the notice is served by post by prepaid letter, and the letter need not be registered.

Service of Notice to procure a child's Vaccination under section 31 of the Vaccination Act, 1867.

Neither is it necessary that the notice to procure a child's vaccination referred to in section 31 of the

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Advice as to
procedure
under
Vaccination
Acts.

Vaccination Act, 1867, which must be given as a preliminary to any proceedings under that enactment, should be served personally upon the parent, or other person having the custody of the child, to whom it is given, or that it should be served by the Vaccination Officer or by his deputy in person. It will be sufficient if this notice also is served by post by prepaid letter, and the letter need not be registered.

Procedure under section 31 of the Act of 1867 for an Order for a child's Vaccination.

As the foundation for proceedings under section 31 of the Act of 1867, it is necessary that an information in writing should be given to a justice stating (1) that the child with reference to whom the proceedings are taken has not been, or that the Vaccination Officer has reason to believe that it has not been, successfully vaccinated; (2) that the Vaccination Officer has given to the parent, or person having the custody of the child, notice to procure its being vaccinated; and (3) that this notice has been disregarded. Care should of course be taken by the Vaccination Officer to see before laying any information that the child is still alive, that he has not received in respect of the child a valid certificate of insusceptibility, or of conscientious objection on the part of the child's parent, and that he has not received a valid certificate postponing the child's vaccination. Upon this information the justice may issue a summons to the parent or other custodian of the child, but upon the hearing of the summons the question to be determined is whether the child has or has not been vaccinated, or has already had the smallpox.

Appdx. *Irrelevancy of section 1 (3) of the Vaccination Act, 1898, to proceedings under section 31 of the Act of 1867.*

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Advice as to
procedure
under
Vaccination
Acts.

The provisions of section 1 (3) of the Vaccination Act, 1898, have no relevancy to proceedings under section 31 of the Act of 1867. Consequently, upon the hearing of the summons under the last-mentioned enactment for an order for the vaccination of a child, it will not be requisite for the prosecutor to prove, as part of his case, either that the Public Vaccinator of the district gave notice of his intention to visit the home of the child in order to vaccinate it, or that he did in fact visit the child's home and offer to vaccinate it.

Irrelevancy of Notice to procure a child's Vaccination upon hearing of a summons for an Order for Vaccination.

Nor is it necessary upon the hearing of such a summons as above referred to, that the prosecutor should, in the first instance, prove as part of his case, that a notice to procure the child's vaccination as mentioned in section 31 of the Act of 1867 was in fact given, and strictly speaking no point in regard to this notice can properly be raised.

Proof of service and contents of Notice mentioned in section 31 of the Act of 1867, if required by Justices.

In case, however, the justices before whom the summons is heard, hold, in disregard of the opinion expressed in the last preceding paragraph, that it

is incumbent upon the prosecutor, either as part of his original case or by way of reply to a defence that may be raised touching this matter, to prove that a notice to procure the child's vaccination was given to the defendant, or to prove the contents of such a notice, the following points should be borne in mind :—

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Advice as to
procedure
under
Vaccination
Acts.

- (a) The service of such a notice will be *prima facie* established by showing that it was sent to the defendant properly addressed, prepaid, and posted.
- (b) It is not essential, in order to prove the contents of such a notice, either to give notice to the defendant to produce the actual notice that was given, or to put in evidence an exact or duplicate copy of it.
- (c) The contents of such a notice may be sufficiently proved by verbal evidence.

Advisability of keeping accurate counterfoil of Notice under section 31 of the Act of 1867.

It will, at the same time, be desirable in order that there may be no doubt as to the exact terms of the notice in question, that the Vaccination Officer should, when using for the purposes of section 31 of the Act of 1867, one of the printed forms of notice to procure the vaccination of a child with which he has been furnished, either

- (1) Fill in upon the counterfoil annexed to the form an accurate copy of the particulars filled in upon the form itself, so that the

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under
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Acts.

counterfoil shall, in fact, contain a duplicate of the notice served ; or

- (2) make a duplicate with carbon paper on the form now supplied for this purpose by the Local Government Board.

This counterfoil or duplicate should be available at the hearing, and may be referred to by the Vaccination Officer for the purpose of establishing the contents of the notice actually given.

The Board request that a copy of this circular may be given to each Vaccination Officer in the Poor Law Union. Copies are enclosed for this purpose.

I am, Sir,

Your obedient Servant,

S. B. PROVIS,

Secretary.

The Clerk to the Guardians.

Circular. Guardians. Metropolis.

THE VACCINATION ACTS, 1867 TO 1898.
RECOVERY OF PENALTIES.

LOCAL GOVERNMENT BOARD,

WHITEHALL, S.W.,

26th March, 1902.

SIR,

I am directed by the Local Government Board to state that they have been in communication with the Secretary of State for the Home Department as to the recovery of penalties imposed at the Metropolitan Police Courts upon defaulters under the

Vaccination Acts, 1867 to 1898; and it has been arranged that, in future, the Chief Clerks of the respective Courts shall apply to the Magistrates for warrants to enforce payment of the penalties in question. The application will not, however, be made by the Chief Clerk until he has received from the Vaccination Officer, at whose instance the proceedings which resulted in the penalty were taken, a report stating whether for any reason (such as that the child has been vaccinated) it would be inexpedient to enforce payment.

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Procedure
to enforce
penalties
under
Vaccination
Acts in
London.

The Board request that the Vaccination Officer will ascertain in each case in his district in which a penalty under the Vaccination Acts has been adjudged, whether the same has been paid. If it has not, he should inquire into the circumstances of the case, and make to the Chief Clerk of the Court, not later than one calendar month from the date when payment was adjudged, such a report as is above indicated. In making this report, the Vaccination Officer should have regard to all the circumstances of the case, local as well as personal.

The Board are of opinion that such inquiry should be made by the Vaccination Officer as near the end of the month as may be practicable.

The Board have sent a copy of this Circular to each Vaccination Officer in the Poor Law Union in order that he may proceed in the manner set out above.

I am, Sir,

Your obedient Servant,

S. B. PROVIS,

Secretary.

The Clerk to the Guardians.

Appdx. Circular. Guardians.

Judgment
in *Moore*
v. Keyte.

VACCINATION PROSECUTIONS.

LOCAL GOVERNMENT BOARD,
WHITEHALL, S.W.,
2nd September, 1902.

SIR,

I am directed by the Local Government Board to draw attention to the decision of the High Court of Justice in the case of *Moore (Appellant) v. Keyte (Respondent)*, (1902) 1 K. B. 768, in relation to proceedings under the Vaccination Acts, 1867 to 1898.

The Magistrates of Leicester had convicted the Appellant, under Section 29 of the Vaccination Act, 1867, for having neglected to cause his child to be vaccinated within six months of its birth, but stated a Case for the opinion of the Court, in which two questions were submitted to them.

These questions were—

1. Whether the Vaccination Officer, by virtue of his appointment as such, without directions general or special from the Guardians at any time, and notwithstanding the Guardians' directions not to prosecute in certain specified cases, could institute the proceedings which were taken against the Appellant under the Vaccination Acts, 1867 to 1898; and

2. Whether it was a condition precedent to a prosecution by the Vaccination Officer under Section 29 of the Vaccination Act, 1867, that due proof should be given of the service on the parent of the

child by the Public Vaccinator of the notice mentioned in the Vaccination Acts, 1867 to 1898, and of his having visited the house of the child as therein directed.

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Judgment
in *Moore*
v. *Keyte*.

The Court, consisting of the Lord Chief Justice (Lord Alverstone), Mr. Justice Darling, and Mr. Justice Channell, dismissed the appeal with costs. The judgment of the Lord Chief Justice was as follows:—

The first point taken was that in every prosecution under Section 29 of the Act of 1867 the prosecution must prove the notice and the domiciliary visit of the Public Vaccinator before the case can be entertained. That depends upon some sections which I think make the matter abundantly clear. Section 16 of the Act of 1867 now stands in these terms: "The parent of every child born in England shall, or where by reason of the death, illness, absence or inability of the parent, or other cause, any other person shall have the custody of such child, such person shall cause it to be vaccinated by some medical practitioner." The reason for the omission from the section of all the other words, to which I need not further refer, is because by Section 1 of the Act of 1898 provision is made, not that the child shall be taken to the Vaccination Officer, (a) but by a new provision, as I think one of the greatest amendments of the Vaccination Acts, it is enacted that the medical man must visit the home of the parent of the child, it being the duty of the parent to cause the child to be vaccinated. Section 29, under which the prosecution was launched,

(a) The expression "Vaccination Officer" was used inadvertently for "Public Vaccinator."

Appdx. is in these terms, as amended by the Act of 1898 :
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 Judgment
 in *Moore*
v. Keyte.
 “Every parent or person having the custody of a child who shall neglect to cause it to be vaccinated, or after vaccination to be inspected, and shall not render a reasonable excuse for his neglect, shall be guilty of an offence.”

Now, it seems to us absolutely plain that when the magistrates have the case before them they must consider, upon the question whether there is a reasonable excuse shown, whether there has or has not been a visit by the public vaccinator ; but, assuming no such point is raised, it would be involving the parties in a useless and unnecessary expense if there should be required to be formal proof in every prosecution of those conditions, without which, of course, one cannot reasonably imagine that any prosecution would be commenced.

The statute imposes upon the public vaccinator the duty of going to the home of the child, and imposes on the parent the duty of causing his child to be vaccinated ; and we are of opinion that it is not necessary to give this formal proof in every case, though upon the question of reasonable excuse it may be very material to consider whether there has or has not been a visit.

The next question, though it does not present any greater difficulty, is of some importance, but I may say, speaking for myself, that I answered this question because we have been asked to answer it. It is a point of law which has been argued before us, but I cannot conceive how it can possibly be contended that such a condition is essential to a prosecution under Section 29 of the Act of 1867.

Section 29 says that every parent or person having the custody of a child who does not cause the child to be vaccinated shall be guilty of an offence unless he shows a reasonable excuse. Now, the real point which arises with regard to a prosecution, apart from the question which is stated to us, is whether it is necessary to show that the Guardians have authorized a prosecution before the magistrates can entertain it. I am of opinion that there is nothing of the kind necessary. My brother Channell referred in the course of the argument to cases in lunacy, and there are other cases where the fiat of the Attorney-General has to be obtained, as in the case of criminal proceedings against trustees, and in those cases the fiat of the Attorney-General has to be proved on the part of the prosecution. There is, however, no ground for saying that the consent of the Guardians is, on the face of the statute, or on the ground of any consideration involved in the statute, made a condition precedent to this prosecution.

Appdx.

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Judgment
in *Moore*
v. *Keyte*.

But the case goes further, and we are asked to say whether the Vaccination Officer, by virtue of his appointment as such, without directions, general or special, from the Guardians at any time, and notwithstanding the Guardians' direction not to prosecute in certain specified cases, can institute proceedings under the Vaccination Acts, 1867 to 1898, as Vaccination Officer of the Guardians. Now we are not dealing with any question between the Guardians and the officer as to any question of expense he has incurred; we are dealing only with the question of what are the public duties of a Vaccination Officer.

We have again to go back and see the scheme of

Appdx. the Legislature. Section 16 of the Act of 1867 I have already read; the parent is to cause the child to be vaccinated. Section 29 creates the offence. Section 31 was a section which gave an alternative method of getting the child vaccinated, which was a duty undoubtedly imposed originally upon the registrar, or an officer appointed by the Guardians, and which subsequently by the Act of 1871 was imposed upon the Vaccination Officer. Now, in my judgment, having regard to the provisions of the Act and the duty which the Vaccination Officer has to perform, the Vaccination Officer has the duty of taking proceedings. I should have come to this conclusion quite independently of the Order; but, I think most properly, the Order of 1898 makes the matter, if I may use the expression, more abundantly clear. It is not as if this kind of Order was passed for the first time. From the year 1874, when the Vaccination Act (37 & 38 Vict. c. 75) removed any doubt as to the powers of the Local Government Board in this respect, Orders have been made. For the purposes of to-day I think the Attorney-General is right in saying that the Order of 1898 is in the position of a statute. There were in the Order of 1874 Articles 16 and 17, which were under consideration in the case of *Bramble v. Lowe*,^(b) where my brother Wright expressed the opinion that for the purpose of Section 31 (I agree for that purpose only), notwithstanding the provisions of the then existing Orders as to the power of the Guardians to direct prosecutions, the Vaccination Officer had the duty to proceed. That is not a decision upon the section

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Judgment
in *Moore*
v. *Keyte*.

(b) [1897] 1 Q. B. 283.

that we are now considering, but it is a decision upon **Appdx.**
an analogous matter.

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Judgment
in *Moore*
v. *Keyte*.

I need not read the provisions of the Order of 1898, but there is a positive direction in Article 26 that the instructions contained in the Fourth Schedule are to be obeyed by the Vaccination Officer. Those instructions provide (6) (d) that the Vaccination Officer shall give a certain notice in Form K. in the Fifth Schedule, and if it is not complied with it will become the duty of the Vaccination Officer under the Vaccination Act of 1871 to take proceedings for the enforcement of the law. Form K. (which he is directed to serve) tells the person in default that failing the vaccination of the child it will be the duty of the Vaccination Officer to take the proper steps for securing the enforcement of the law.

Now, in my opinion, having regard to the previous legislation and the previous Orders and the powers of the Acts of 1867 and 1871, that Order cannot be said to be *ultra vires*. Mr. Rawlinson does not go as far as saying that it is *ultra vires*; but he contends that if the Vaccination Officer affects to take proceedings which are either generally prohibited or specially prohibited by the Guardians he is bound in that respect to follow the instructions of the Guardians. I think he is bound to obey the orders of the Local Government Board, and that in accordance therewith it is the duty of the Vaccination Officer as such to take these proceedings. It is contended that we ought to assume in this case that there was a *bonâ fide* investigation by the Guardians into each of these cases, and that they thought there ought not to be a prosecution upon the merits. I cannot come to that

Appdx. conclusion, but I do not wish to be thought to base
— my judgment on any such narrow ground. I base
Judgment in *Moore* my judgment on the ground that it is the duty of the
v. *Keyte*. Vaccination Officer under these statutes and Orders
to see that their provisions are observed, and I
answer the question, therefore, in the way I have
said, not because it could be alleged to be a condition
precedent to the prosecution being entertained, but
because we have been asked to express an opinion on
the point before us ; and I am therefore of opinion
that the appeal should be dismissed with costs.

The other learned Judges concurred.

The Board, having regard to the importance of the
decision, have thought it desirable to bring it under
the notice of the Guardians ; and they request that
a copy of this circular may be given to each Vaccina-
tion Officer in the Poor Law Union. Copies are
enclosed for this purpose.

I am, Sir,

Your obedient Servant,

S. B. PROVIS,

Secretary.

The Clerk to the Guardians.

Circular. Smallpox Registrar.

Appdx.
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TOWN COUNCILS, DISTRICT COUNCILS JOINT HOSPITAL
BOARDS, ISOLATION HOSPITAL COMMITTEES.

REGISTERS OF CASES IN SMALLPOX
HOSPITALS.

LOCAL GOVERNMENT BOARD,
WHITEHALL, S.W.,
28/h October, 1902.

SIR,

I am directed by the Local Government Board to state that they have had under consideration the provisions of Section 8 of the Vaccination Act, 1898, as regards the Register to be kept of all patients treated in any smallpox hospital maintained by a Sanitary Authority.

It would appear that at present such variation exists in the form of Register kept under the enactment referred to that the entries are to a great extent useless for the purposes of statistics and comparison. This defect seems to be particularly marked as regards provision for effectively meeting the requirement of the enactment that the Register should contain a statement of the patient's condition as to vaccination.

In these circumstances it seems to the Board desirable that, with a view to the keeping of a record which shall afford uniform and trustworthy statistics and which shall be generally useful, the Registers of the various hospitals which are maintained by a Sanitary Authority or other Authority acting under the Public Health or Isolation Hospitals Acts, and in which smallpox patients are treated, should be in

Appdx. — the same form and provide for the entry of sufficient and appropriate details of each case ; and the Board's Medical Officer has accordingly prepared a form of Register which contains the requisite provision, as also a suitable form of Vaccination Bed-Card. It is contemplated that a Bed-Card in this form should be used for each patient and the necessary details entered on it as soon as practicable after admission of the case to hospital. On the death or discharge of the patient the particulars on the Bed-Card should be at once transferred to the Register (the Cards having been previously disinfected) and the Register number noted on the Card. The Cards might be retained for reference for a reasonable period, say two years. Copies of each of these forms are enclosed, and the Board suggest that in future the Registers and Bed-Cards in use at any smallpox hospital under the control of the Authority should be kept in these forms and duly filled up.

It would be desirable that a Register and a supply of Bed-Cards should be forthwith obtained for any such hospital. The Board have sent a copy of this circular and enclosures to the several publishers of Local Government books and forms, who will no doubt print copies and place them on sale.(a)

I am, Sir,

Your obedient Servant,

S. B. PROVIS,

Secretary.

The Town Clerk, or

The Clerk to the Authority.

(a) The register and bed-card can be obtained from Messrs. Shaw & Sons, Fetter Lane, London, E.C. It has not been thought necessary to print the forms in this volume.

Circular.

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CERTIFICATES OF PROFICIENCY IN
VACCINATION.

Amending Order.

LOCAL GOVERNMENT BOARD,
WHITEHALL, S.W.,
12th June, 1905.

SIR,

I am directed by the Local Government Board to state that they have had under consideration the provisions of the Vaccination Order, 1898, relating to the certificate of proficiency in vaccination which is required to be produced by a Medical Practitioner before he can enter into a contract with a Board of Guardians for public vaccination. If such a certificate has not been obtained previously (*e.g.* as a condition of obtaining a diploma, licence or degree), the practitioner who is about to enter into a vaccination contract is under the necessity of obtaining the certificate from some person who has been authorized by the Board to act for the purpose; and this can only be done after the applicant for the certificate has been duly instructed and examined by such authorized person in the practice of vaccination.

It has been represented to the Board, however, that under this provision a person who took a diploma or degree from an examining body at a date when the examining body did not require as a condition of such diploma or degree the production of the prescribed certificate of proficiency in vaccination is required by the Order of 1898 to devote a considerable time to receiving instruction in vaccination, although, as the

Appdx. result of experience, he may be fully conversant with the practice of vaccination and competent to perform the work of a public vaccinator. With a view of meeting this point, so far as can properly be done, the Board have decided to vary the provisions of the Order, so that in certain cases of the kind the certificate of proficiency may be obtainable by a practitioner after examination only, and without a special course of instruction immediately before the examination.

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Certificates
of pro-
ficiency in
vaccination.

The Board direct me to forward to you the enclosed copies of the Order which they have issued amending Article 2 of the Vaccination Order, 1898, in relation to this matter.

It will be seen that the new Order provides that a certificate of proficiency in vaccination may be granted, after examination only, and without a preliminary course of instruction, by the persons who are authorized for that purpose by the Board, to the following class of medical men, namely, to any registered medical practitioner who possesses a diploma, licence or degree conferring a right of registration under the Medical Acts granted (a) by an examining body in England and Wales or Scotland before the date on which that body first required the prescribed certificate as a condition of obtaining the diploma, licence or degree; and (b) by an examining body in Ireland before the first day of January, 1906.

The Board direct me at the same time to state, for the information of the Guardians, that the respective dates at which the various examining bodies in England and Wales and Scotland may be regarded as

having required, for the above purpose, certificates of proficiency in vaccination from a teacher authorized by the Board are as follows :—

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Medical examining bodies which require special certificates of proficiency in vaccination.

Examining Body.	Date.
University of London	17th June, 1868.
Royal College of Physicians, London	10th April, 1876.
University of Cambridge	3rd June, 1877.
University of Edinburgh	1878.
Royal College of Surgeons, England	1st May, 1877.
University of Durham	Since 1886.
Society of Apothecaries, London	1st July, 1887.
Royal College of Physicians, Edinburgh	1st January, 1897.
Royal College of Surgeons, Edinburgh	
Faculty of Physicians and Surgeons, Glasgow	
University of Oxford	December, 1895.
„ Aberdeen	1st May, 1896.
„ St. Andrews	19th April, 1897.
„ Glasgow	Since 1892.
Victoria University, Manchester	From Commencement.
University of Birmingham	„ „
„ Leeds	„ „
„ Liverpool	„ „

The Examining Bodies in Ireland do not make it compulsory on candidates for medical and surgical degrees and diplomas to produce the special certificate of proficiency in vaccination granted by a teacher authorized by this Board.

Out of the number of persons who have been authorized by the Board to act as Teachers and Examiners and to give certificates of proficiency in vaccination, the following are entitled to give such certificates (to the special class of medical men described above) after examination only, and without a preliminary course of instruction, viz. :—

Appdx.

Station.	Name of Vaccinator with Address.
London (Tolmers Square Institute, Drummond Street, N.W.).	Mr. Joseph Loane, 13, Great Alie Street, E.
Birmingham (Priory Rooms, Upper Priory).	Dr. Edmund Robinson, 213, Bristol Road, Edgbaston, Birmingham.
Bristol (St. Peter's Hospital, Bristol).	Mr. George Shepley Page, 78, Old Market Street, Bristol.
Liverpool (17, Mulgrave Street).	Mr. Nathaniel Edward Roberts, 17, Mulgrave Street, Liverpool.
Newcastle-on-Tyne (The Dispensary, Nelson Street).	Dr. Frank Hawthorn, 6, Regent Terrace, Newcastle-on-Tyne.
Aberdeen (The Public Dispensary).	Mr. Robert Gordon McKerron 1, Albyn Place, Aberdeen.
Edinburgh (The Western Dispensary, Ponton Street).	Dr. John Brown Buist, 1, Clifton Terrace, Edinburgh.
Dublin (45, Upper Sackville Street).	Dr. Alexander Nixon Montgomery, 45, Upper Sackville Street. Dublin.

The new Order will be placed on sale so that further copies may, if required, be purchased from Wyman and Sons, Limited, Fetter Lane, E.C., either directly or through any bookseller.

I am, Sir,

Your obedient Servant,

S. B. PROVIS,

Secretary.

The Clerk to the Guardians.

Circular. Guardians.

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—

VACCINATION ORDER, 1907.

LOCAL GOVERNMENT BOARD,
WHITEHALL, S.W.,
22nd May, 1907.

SIR,

I am directed by the Local Government Board to state that they have had under consideration an amendment of the Vaccination Order, 1898, so far as relates to Public Vaccinators for districts other than Workhouses.

Complaints have from time to time been made as to the cost of vaccination under the system established by the Vaccination Act, 1898, and the Board appointed a Departmental Committee to investigate the subject. The Committee in their Report found that, apart from the great increase in the number of operations performed since 1898, the principal factor in the increased cost of public vaccination has been the increase in the fees payable to the public vaccinators. But, as the Committee pointed out, some increase in the remuneration of the public vaccinators was inevitable in view of the additional duties which were imposed upon them by the provisions of the Act and of the Vaccination Order, 1898. The Committee thought that having regard to the work required, the remuneration for primary vaccination since the Act of 1898 came into operation had in many cases not been excessive, particularly in country districts. At the same time they considered that under certain conditions the fees

Appdx. both for primary vaccinations and re-vaccinations might be reduced.

—
The Vaccination
Order, 1907.

The Board have given very careful consideration to the matter, and have decided to issue an Order amending the Order of 1898 in relation to Public Vaccinators.

The amending order will come into operation on the 1st October next.

Payments to Public Vaccinators.

Article I. deals with the provision to be made in any future contract for public vaccination, other than a contract with the Medical Officer of a work-house for the vaccination of the persons resident in it, and substitutes a new Article on the subject for Article 3 of the Order of 1898.

The new Article repeats the requirement in the Order of 1898 as to the provision to be made by the contract for the payment to the Public Vaccinator of a minimum fee of 1s. in respect of every child whose birth is registered in his district, or who is resident there and whose birth has been registered elsewhere or has not been registered at all, and substitutes fresh requirements for those in paragraphs (b) and (c) of subdivision (1) of Article 3 of the Order of 1898 as to the provision to be made for the other payments to be made to him.

The Order of 1898 requires that the contract shall provide for the payment to the Public Vaccinator of a minimum fee of 2s. 6d. in respect of every successful primary vaccination of any person other than a child, or of any successful re-vaccination, where in

either case the operation has been performed by him at his surgery or elsewhere than at the home of the person vaccinated.

Appdx.

—
The Vaccination
Order, 1907.

The new Order extends this requirement so as to include any case of successful vaccination performed by the Public Vaccinator on a child whose age exceeds twelve months at his surgery or elsewhere than at the home of the child. The parent or person having the custody of the child must, however, have requested that the child be vaccinated elsewhere than at the home of the child, and the Public Vaccinator must have satisfied himself that the child can be safely vaccinated having regard to subsection (4) of section 1 of the Vaccination Act, 1898. That subsection provides that the Public Vaccinator shall not vaccinate a child if, in his opinion, the condition of the house in which it resides is such, or there is or has been such a recent prevalence of infectious disease in the district, that the child cannot be safely vaccinated.

The Order of 1898 requires that the contract shall provide for the payment to the Public Vaccinator of a minimum fee of 5s. in respect of every successful vaccination or revaccination performed by him at the home of the person vaccinated. The new Order alters this requirement, and directs that the contract shall provide in respect of such cases for the payment of an amount not less than the sums specified in the Rules set out on page 3 of the Order.

The effect of these Rules will be that where the district is situate wholly or partly in London, or in a borough or other urban district with a population according to the returns of the last census for

Appdx. the time being of not less than 50,000, the amount
— of the payment must in every case be not less than
The Vac- 2s. 6d., and that where the district is not so situate,
cination Order, 1907. the amount must in every case be not less than
3s. 6d.

It will be understood that the payments fixed by the Order are only minima, that the precise sum to be paid should be determined by agreement between the Guardians and the Public Vaccinator, and that it will be fixed by the contract to be approved by the Board. Each case must be considered on its merits in determining the actual fee to be paid, and the Board may state that as regards districts which are only partly situate in London, or in a Borough or urban district with a population of not less than 50,000, they contemplate that a higher fee than the minimum will be fixed if the circumstances of the district in respect of area and population are such that a higher fee should properly be paid.

The new Order deals specially with cases where during a period of 24 hours successful vaccination or successful re-vaccination has been performed by the Public Vaccinator upon two or more persons at one and at the same home or on any premises (other than the surgery of the Public Vaccinator) on which those persons were together present at any time during this period.

In any such case the amount to be paid to the Public Vaccinator will be subject in respect of the first person vaccinated or re-vaccinated to the Rules as to the minimum fees above referred to. But otherwise the amount to be paid in such cases must be mutually agreed upon by the Guardians and the

Public Vaccinator and approved by the Board, or in Appdx.
default of agreement determined by the Board.

The new Order repeats the provisions of the Order of 1898 as to the conditions of payment to the Public Vaccinator, and the age for re-vaccination.

—
The Vaccination
Order, 1907.

Existing Public Vaccinators.

As regards existing Public Vaccinators, it will not be requisite that fresh contracts should be entered into with them in consequence of the new Order. The contracts which are in force on the 21st instant may be determined in the same way as heretofore, but until this is done, or new contracts are entered into, they will be continued in force by Article III. of the Order. Any such contract, however, is from the 1st October next to be deemed as regards the remuneration of the Public Vaccinator, in lieu of the payments mentioned in the contract, to provide for payments to him by the Guardians after such rates as are before the 31st December next set forth in an Instrument to be executed by the Board.

The Guardians and the Public Vaccinators should agree as to the amounts to be fixed subject to the provisions of the Order, and should inform the Board of the result. The Board will issue forms for the purpose. If an agreement is not arrived at before the 1st October the amount will be fixed by the Board.

The Board do not suggest that as respects existing Public Vaccinators a reduction should be made in the payments to them without regard to the circumstances of the particular case; but where more than one person is vaccinated or re-vaccinated at the

Appdx. same time and place the Board think that a provision of the kind contemplated by the Order should be made where no such provision is already in force.

—
The Vaccination Order, 1907.

Visits of Public Vaccinators.

Article 7 of the Order of 1898 requires that the visit of the public vaccinator to the home of a child, whether on request of the parent or other person having the custody of the child, or after notice from the Vaccination Officer, shall, in the absence of any sufficient reason for delay, be made within two weeks after the receipt of the request or notice as the case may be. This period is extended by Article IV. of the new Order to four weeks, so as to give public vaccinators an opportunity of arranging their visits to the homes of children when they have other professional work in the neighbourhood of those homes. This is in accordance with one of the recommendations of the Departmental Committee.

Forms of Medical Certificates.

The Committee also approved a suggestion that some of the Forms prescribed by the Order of 1898, such as those of the Medical Certificate of Successful Vaccination or of Postponement of Vaccination, should be altered so that the several particulars required as to name, place of birth, residence, &c., should be placed in lines one underneath the other. Effect is given to this proposal by Article VII. (b).

Vaccination Officers.

Advantage has been taken of the opportunity by the Order to make one or two amendments in the Order of 1898 as respects Vaccination Officers.

Article VI. of the new Order makes an alteration in paragraph (a) of No. 6 of the Instructions to Vaccination Officers in the Fourth Schedule to the Order of 1898. The present paragraph directs that, if on the expiration of seven days after any child entered on the Birth List has attained the age of three calendar months none of the certificates mentioned in paragraph 2 of the Instructions have been received by the Vaccination Officer and he has not in his possession a valid certificate of postponement, he shall proceed to make personal inquiries with a view to obtain the requisite certificate.

Appdx.
—
The Vaccination
Order, 1907.

As altered by the new Order, the paragraph will require that in the circumstances above mentioned the Vaccination Officer shall proceed to give notice and make inquiry in the Form Q. This form will be found on page 16 of the Order. (*See page 192.*)

An alteration in Form H., which relates to the lists of children in respect of whom the necessary certificates have not been received by the Vaccination Officer, and which was prescribed by the Order of 1898, has been made by the new Order by the addition of a column showing the number in the Birth Register of each child mentioned in the Form.

It will be understood that the new provisions as to Forms will not come into operation until the 1st October next.

It is made the duty of the Clerk by Article V. of the new Order to furnish the Vaccination Officer with the copy of the resolution appointing him with which he is to be supplied under Article 12 of the Order of 1898.

Appdx. Copies of the new Order are enclosed, and I am to
— request that you will be good enough to give a copy
of it and of this circular to each Public Vaccinator
and Vaccination Officer in the Poor Law Union.
The Order and circular will be placed on sale, so
that copies may shortly be obtained from Messrs.
Wyman and Sons, Limited, Fetter Lane, E.C., either
directly or through any bookseller.

I am, Sir,

Your obedient Servant,

S. B. PROVIS,

Secretary.

The Clerk to the Guardians.

A circular was issued by the Local Government Board to
Boards of Guardians on the 25th September, 1907, drawing
attention to the provisions of the Vaccination Act, 1907; and
another on the 23rd December, 1907, with the Vaccination
Order (No. II.), 1907. It has not been thought necessary to
reprint these circulars in the present volume.

MEMORANDUM of arrangements made in England for the Public Teaching of Vaccination, and for the granting of such Certificates of Proficiency in Vaccination as will qualify the bearers (if otherwise eligible) to be contracted with by Guardians for the Performance of Public Vaccination.

The stations at present established for educational purposes are all in places where there are recognized medical schools. They are stations where the appointed public vaccinator uniformly attends in person, and where the annual number of vaccinations, as compared with the number of vaccinating days, is sufficiently large to promise that the student, during his period of attendance, will, as a rule, always find many cases together for observation. . . .

The vaccinator of an educational vaccinating station, during his attendance thereat, will exhibit and explain the course and characters of the vaccine vesicle; will practically teach the best method or methods of performing vaccination . . . will inculcate all precautions which are necessary with regard to the health of subjects proposed for vaccination, and with regard to the selection and preservation of lymph; and will give all such other instruction as is requisite for the scientific and successful performance of vaccination and re-vaccination. During his course of instruction, he will make provision for demonstrating to pupils,

Appdx. not only cases on the day-week after vaccination, but
— also cases, at least six in number, on earlier and later days. For that purpose he will either provide for repeated attendances of particular cases at the station, or will obtain from the pupil satisfactory written reports of his observations of the vaccination of certain cases before and after their attendance at the station for inspection. In the teacher's presence, and under his direction, any pupil aged not less than eighteen years may take part in vaccinating; but not till he have attended the station on at least two vaccinating days.

Any person desirous of being admitted as a pupil at an educational vaccination station, shall pay a fee not exceeding one guinea, and will thereupon receive a ticket entitling him to attend the public vaccination of the teacher. When the pupil has attended at the station, during the times of vaccination and teaching, for at least six weeks, the teacher, if satisfied of his proficiency, shall, without further payment, give him a certificate in the appointed form.

At stations where the teacher is also authorized to give certificates of proficiency in vaccination to persons whom he has not himself instructed therein, such persons will, on appointed occasions, be examined by the teacher on payment of a fee not exceeding one guinea, and if he find them competent, receive certificates accordingly. In cases of failure to pass this examination, the candidate may be admitted to a second examination on payment of a fee not exceeding half-a-guinea.

The certificate of proficiency will be understood to imply—and therefore the teacher who signs it will have taken care to ascertain—that the person to

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whom it is given can skilfully vaccinate, both with liquid lymph (including such as is preserved in capillary tubes) and also from ivory points ;—that he can properly charge ivory points and capillary tubes with lymph ;—that he is aware of the relative advantages of recent and preserved lymph, and of all precautions special to the use of the latter ;—that, from among vaccinated subjects presented for inspection, he can select, and give reasons for preferring, those who are fittest to furnish lymph ;—that besides being thoroughly familiar with all local changes which, from first to last, normally ensue on vaccination, he has learnt what causes may accelerate or retard the local changes, or give them undue severity, or otherwise render them irregular ;—that he is well-informed as to the constitutional effects of vaccination (including the eruptions which sometimes follow it), and as to the treatment which cases of vaccination, under various circumstances, may require ;—that he knows how far the protective influence of vaccination is affected by lapse of time, and how far by the mode in which vaccination is performed—especially by the number or size of vesicles, and knows generally under what circumstances re-vaccination is to be recommended ;—finally, that he is acquainted with the laws and regulations relative to public vaccination. . . .

NOTE.—*So much of the above Memorandum as relates to the use of human lymph has become obsolete since the Act of 1898 was passed.*

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Memoranda as to Statutory Certificates of "Insusceptibility" to Vaccination:—in Relation to Competence of the Vaccinators who certify.

N. V. E.:
its experi-
ence of
vaccinating
"insuscep-
tible"
children.

The following passage (from the 1887 report of the Medical Officer of the Local Government Board) contains the experience of Dr. Cory, as to what is called "insusceptibility" of children to vaccination:—

"In accordance with your wish that I should record my experience of vaccinating children who have been certified as 'insusceptible,' I have to inform you that at various times four such cases have been sent to me at Surrey Chapel, and five to Lamb's Conduit Street, and that in every such case my first attempt at vaccination has succeeded. The resulting vesicles (whether done with human or with calf lymph) have been quite characteristic of vaccine, but eight of them were accelerated in their course in the same way that I have observed after a first unsuccessful operation by myself.

"Of my own vaccinations, I may say that I have in my time performed over 38,000 primary operations with human or with calf lymph: and that it has only once fallen to my lot to fail twice at an attempt at vaccination. The subject in this instance was a ten-year child, in whom, as stated by its mother, vaccination had been attempted on previous occasions without result. My operation failed at the second attempt, and I did not get the opportunity of trying a third time.

"I believe the late Dr. Marson has recorded an identical experience from several thousands of operations performed at Blackfriars Station, where humanised lymph only was used." (a)

(a) I may properly point out that Dr. Cory does not here claim for himself any exceptional skill above his fellows. Reporting on his insertion success at the Animal Vaccine Station, again he tells of one of his colleagues getting results like his own, but a trifle better, during consecutive years.

Dr. Cory has since furnished the Medical Department with further details as to his failures, complete and partial. They are all based upon experience of primary vaccinations with unsterilised lymph, each operation being performed by five superficial scratches.

Among some 16,000 first attempts at vaccination with humanised lymph, he has had fourteen failures, being at the rate of one failure in 1,140 children operated on.

Of 22,041 first attempts at vaccination with calf lymph, he sets aside 44 cases vaccinated (successfully) for the cure of nævi, and 216 others that did not return for inspection. Among the 21,781 vaccinated on their arms with calf lymph, he has experienced 70 failures at a first attempt, being at the rate of one failure in 311 children operated on.

The vaccinations of this latter class, those from the calf were therefore distinctly more difficult than those done from arm-to-arm. It is to this more difficult class that the next following figures relate :—

Five insertions succeeded in 19,925 instances.

Four	„	„	1,011	„
Three	„	„	407	„
Two	„	„	224	„
One	„	„	144	„
All insertions failed in			70	„

It would appear from the above and other similar considerations that total failure in primary vaccination is explicable without recourse to any hypothesis but that which suffices to explain partial failure; and this cannot, by the nature of the case, be an “insusceptibility” in the true sense of the word.

Nevertheless, there is a so-called “insusceptibility,” with which, for practical purposes, vaccinators are concerned, namely, failure to obtain any vaccine vesicle in a given child after three several attempts at vaccination. This failure constitutes a *statutory* “insusceptibility,” and it is desired to estimate in the present note how frequently a “certificate of insusceptibility,” in this sense, is to be expected from one and another class of operator.

It has to be premised that a second attempt at vaccination of the same child is not quite so likely to succeed as a first

Appdx.

N. V. E. :
its experi-
ence of
success and
failure in
primary
vaccination;
human and
calf lymph;

its insertion
success.

Inference as
to a real
insuscepti-
bility.

A statutory
“insuscepti-
bility”: how
often to be
expected in
practice.

Appdx. attempt, and a third attempt is not quite so likely to succeed as a second. If it were not for this consideration, the probability of failure after three attempts would be once out of x^3 cases, where x = the number of cases yielding one failure at a first attempt. But with allowance for the differing probability of success at repeated attempts to vaccinate, we must expect a failure at a third attempt to occur more often than once out of x^3 cases. If we can learn how much more often, we shall be able to foretell the probability of failure at a third attempt in the practice of any vaccinator for whom the quantity x is known.

There are certain American experiences (b) which go to show the probability of failure at a third attempt to be once out of two-ninths of x^3 ; and there are some German experiences (c) which would place it at once out of one-ninth of x^3 . There are no English experiences available for such an estimate.

Let us first use the assumption, derived from American experiences, that the probability of failure at a third attempt is once out of two-ninths of x^3 .

Replies to
this ques-
tion; from
practice of
N. V. E. and
of others.

Now, on the scale of success attained by Dr. Cory when vaccinating with calf lymph, $x = 311$, and $2x^3 \div 9 = 6,684,495$, and this would be the number of children who would be expected to furnish one child "insusceptible" in the statutory sense of the word. With humanised lymph, in Dr. Cory's practice, the number $x = 1,140$, and $2x^3 \div 9 = 329,232,000$, this being the number of children who would be expected to furnish one child "insusceptible" in a statutory sense.

Or, on a lesser scale of success (one that a practitioner, when vaccinating from arm-to-arm, may reasonably look to attain), say not more than one failure per 100 children submitted to operation, we should have $x = 100$, or $2x^3 \div 9 = 222,222$, as the number of children who would be expected to furnish one "insusceptible" child among them.

Or, if a vaccinator's scale of success were so unsatisfactory that, out of 20 attempted vaccinations, he habitually experienced one failure at the first attempt, it would be expected that a "certificate of insusceptibility" might be given as often as once for every 1,778 children presented

(b) Fifth and Sixth Reports of the Board of Health for New York, p. 120.

(c) Uebersicht der Ergebnisse des Impfgeschäftes im Deutschen Reich für 1882; pp. 8, 9, 16, 17, 24, 25; in the Report of the German Vaccination Commission of 1884.

to him for vaccination; but such a 5 per cent. of first failure is only to be witnessed in the practice of those who vaccinate unskilfully or to an undue extent with preserved lymph.—A scale of failure amounting to once in every ten first attempts, cannot but be regarded as inexcusable; on that scale, the frequency of certificates of insusceptibility would be once in 222 cases submitted to vaccination.

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From the above calculations, based on the assumption derived from American experience, let us pass to examine the question on the basis of the German experience, according to which the probability of failure at a third attempt is once out of one-ninth of x^3 ; and this would be the number to give one instance of what is here called "statutory insusceptibility."

Then, on Dr. Cory's scale of success, he would not have more than one insusceptible out of every 3,342,247 children whom he vaccinated with calf lymph, or more than one out of every 164,616,000 children whom he vaccinated with human lymph. On the next scale of success, a practitioner, having at his first attempt one per cent. of failure, might expect one "insusceptible" case out of 111,111 primary vaccinations. And on the unsatisfactory scale above considered, where there were no less than 5 per cent. of failures at the first attempt, a vaccinator would be expected to certify one case as "insusceptible" out of 889 children submitted to him:—while on the extravagant scale of one failure out of every ten first attempts the statutory "certificate of insusceptibility" would be given once out of 111 operations.

GEORGE BUCHANAN.

Medical Department,
Local Government Board,
August, 1890.

Appdx.

AWARDS TO PUBLIC VACCINATORS.

The 5th section of the Vaccination Act, 1867, enacts as follows:—"On reports made to the Lords of Her Majesty's Council, with regard to the number and quality of the vaccinations performed in the several vaccination districts of England, or any of them, the said Lords may, from time to time, out of moneys provided by Parliament, and under regulations to be approved by the Lords Commissioners of Her Majesty's Treasury, authorize to be paid to any public vaccinators, in addition to the payments received by them from guardians or overseers, further payments not exceeding in any case the rate of 1s. for each child whom the vaccinator has successfully vaccinated during the time to which the award of the said Lords of the Council relates."

The powers of the Lords of Her Majesty's Council under this section were transferred to the Local Government Board by "The Local Government Board Act, 1871." By section 24 (2) of the Local Government Act, 1888, it is provided that the council of each county shall, from time to time, pay out of the county fund such sums as the Local Government Board certify to be due for payments to public vaccinators under section 5 of the Vaccination Act, 1867.

*The inspection of each union or parish, with regard to its proceedings under the Vaccination Acts, is, as a rule, as nearly as practicable, biennial ; but in some large towns [supplying vaccine lymph to the National Vaccine Establishment *], annual inspections are made.*

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The Local Government Board, on consideration of the periodical reports of their inspectors, will certify to the county councils, from time to time, the amounts to be paid by such councils to public vaccinators. The awards will, for each infantile successful vaccination, be at such rate, not exceeding 1s., as may from time to time be determined by the Board, and will be made in accordance with the following regulations approved by the Lords Commissioners of the Treasury.

I. The Local Government Board will not entertain the question of awarding money to the public vaccinators of any unions or districts where duly approved contracts are not in force, or where contract-arrangements, recommended by the Board to be altered, have nevertheless been continued in operation.

II. No award will be made to any vaccinator who has not properly complied with the requirements of the statutes, the regulations, and the contract, concerning his duties ; not only as to appointed attendances, and the performance of vaccination and inspection, but also as to the keeping of the register, and as to the giving of certificates ; nor will any award be made to any vaccinator who has not habitually done his duties in person.

* The words in brackets have no application, since the use of humanized lymph has been discontinued.

Appdx. — Awards to public vaccinators. If the number of infants vaccinated within the given period by the vaccinator has been less than the average number of the infantile public vaccinations in districts similarly circumstanced, the Board must be satisfied that the vaccinator has not conduced to the effect by any want of punctuality or other fault in relation to the public.

III. No award will be made to any vaccinator unless the results of his work (whether as seen in the current practice of his station, or as shown in the vaccination-scars of a sufficient number and proportion of cases) are up to a certain standard (*a*) of merit. The scars produced by the vaccinator must be thoroughly well marked in the foveation, and must have collectively at least half square inch total area.

IV. Under ordinary circumstances no award in respect of vaccination in any district will be made to any public vaccinator who has not held his office for one year, or in respect of vaccinations performed before the execution of the contract, or to any person who at the time of inspection is not actually in office as the public vaccinator.

V. Cases to be taken into account for purposes of award shall be all the successful infantile vaccinations recorded in the vaccinator's register, and verified by the board of guardians from the quarter-day next preceding the last inspection to the quarter-day next preceding the present inspection.

Local Government Board,
January, 1896.

(*a*) See paragraph 7 on p. 161.

Memorandum on the steps specially requisite to be taken in places where SMALL-POX is prevalent.

I.—BY BOARDS OF GUARDIANS.

As it is by vaccination that the spread of small-pox can most effectually be prevented, Boards of Guardians, as soon as any case of that disease is brought into or occurs in their respective unions or parishes, should see that measures are promptly taken to secure, as far as is necessary and practicable under the law relating to vaccination, the vaccination (or, as the case may be, re-vaccination) of all such persons as are especially exposed to the danger of the infection.

Under sect. 7 of the Vaccination Act, 1898 (61 and 62 Vict. c. 49), the Local Government Board may by Order, if in their opinion it is expedient by reason of serious risk of outbreak of small-pox, or of other exceptional circumstances, require any Board of Guardians to provide vaccination stations for the vaccination of children with glycerinated calf lymph, or such other lymph as may be issued by the Board, and modify as respects the area to which the Order applies, and during the period for which it is in force, the provisions of that Act requiring the public vaccinator to visit the home of the child, otherwise than on request of the parent ;

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and it will be for Boards of Guardians to make application to the Local Government Board for the issue of such an Order whenever local circumstances appear to them to demand the exercise of the power conferred on the Board by the section in question. It is also provided under sect. 13 of the Vaccination Act, 1871 (34 and 35 Vict. c. 98), that District Medical Officers in attendance upon any person suffering from small-pox shall be entitled to payment from the Guardians for vaccinating or (as the case may be) re-vaccinating any person who is resident in the same house as the sick person, and who could lawfully be vaccinated or (as the case may be) re-vaccinated by a Public Vaccinator at the public expense.

These provisions, promptly applied in the event of serious risk of an outbreak of small-pox, will in general be found adequate to stop the spread of the disease; but if from neglect of them, or from any other circumstance, cases of small-pox spread in the district, special measures should be taken to expedite, as far as practicable, the vaccination of all unvaccinated persons in the district and to promote the re-vaccination of adults and adolescents who have not already been successfully re-vaccinated.

In order that speedy discovery may be made of all unvaccinated persons, whether born in the district, or newly arrived there, it will frequently be desirable that some temporary assistance be given to Vaccination Officers, in the manner provided in Article 10 (2) of the Vaccination Order, 1898.

This Memorandum is intended to afford information on the measures and arrangements referred to above.

A.—SPECIAL INSTRUCTIONS TO VACCINATION
OFFICERS.

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1. On the occurrence of any prevalence of small-pox the Vaccination Officer should give his first and special attention to the particular localities in which the infection exists.

2. In order that for this purpose he may have the earliest possible information of the occurrence of cases of the disease, the Guardians should invite the Medical Officer of Health to give information to the Vaccination Officer of each case of small-pox as soon as it is notified, and, with the same object, the co-operation of persons who visit among the poor should be secured. They should also instruct their District Medical Officers to give the Vaccination Officer immediate notice of every fresh case of small-pox which comes under their care, and arrange with the Registrars of Deaths to forward to him immediate notice of each death registered from small-pox. For convenience of transmitting such notices, each District Medical Officer and Registrar should be supplied with forms duly stamped for post, or with post-cards adapted for the purpose. Private medical practitioners may be invited to give similar information.

3. In each locality in which the infection exists, the Vaccination Officer should, with the utmost possible dispatch, personally ascertain what children are unprotected by vaccination, and should use his utmost exertions to obtain the prompt vaccination of all such children. Generally speaking, his own judgment and local knowledge will guide him as to the manner in which his inquiries can best be made; but in infected courts or alleys, as well as

Appdx. in certain kinds of streets, inquiries from house to house, and, in tenement houses, from room to room, will be indispensable.

4. Where any child (between the ages of six months and 14 years) who has not already had small-pox, or has not been duly certified as insusceptible of vaccination, or has not come within the terms of exemption under section 2 of the Vaccination Act,* 1898, or whose vaccination is not at the time standing postponed under medical certificate, is found to be unvaccinated, the Vaccination Officer should take steps to procure the vaccination of the child with all practicable speed.

With regard to unvaccinated children, not yet six months old, who may be in infected localities, the Vaccination Officer should advise the parents not to incur the unnecessary risk of waiting for the child to reach that age before having its vaccination performed. In no house in which there is small-pox ought any child to remain unvaccinated, unless on medical examination it is pronounced unfit to be vaccinated.

5. All representations made as above should be accompanied with information as to the existing arrangements for vaccination, including any special temporary provisions which may have been made under section 7 of the Vaccination Act, 1898, for Public Vaccination in the district.

6. The Vaccination Officer should make it well known that the Public Vaccinator is at liberty to re-vaccinate all persons who shall not be less than ten years old and shall not have been previously

* Or now, section 1, Vaccination Act, 1907.

re-vaccinated within a period of ten years, who apply to him for that purpose ; and that persons not vaccinated since childhood, who are likely to be exposed to contagion, ought to be re-vaccinated without delay. Above all, this is necessary for persons whose original marks of vaccination are imperfect. Appdx. —

7. In the event of many artizans requiring re-vaccination, and being unwilling to lose part of their working day for the purpose of securing the desired protection, it may be expedient that the Vaccination Officer should confer with the Guardians as to attendances being given by the Public Vaccinator at some specified hour in the evening.

8. Generally, the Vaccination Officer should take every means to ensure that the vaccination of his whole district is as complete as possible. He should make frequent examination of his birth-lists ; and deal, as soon as practicable, with every case of default as it arises ; and he should be prompt and diligent in his inquiries respecting the other children to whom his duties extend under Section 7 of his "Instructions," as issued by the Local Government Board.

9. The Vaccination Officer should give immediate information to the local Sanitary Authority of any house in which small-pox has appeared, and of which no information has reached him from the Medical Officer of Health, in order that needful means of isolation and disinfection may be taken.

Appdx.

II.—BY SANITARY AUTHORITIES.

The Sanitary Authority of any district into which a case of small-pox may be brought, or in which it may occur, should immediately, on obtaining information of the occurrence, instruct their Medical Officer of Health to give notice to the Vaccination Officer of the Board of Guardians (the Local Authority for vaccination purposes), in order that all practicable measures in regard to vaccination may be taken. The Sanitary Authority should also instruct their officers to assist in the administration of the Vaccination Acts by spreading a knowledge of the advantages of vaccination and re-vaccination, and by giving to the Vaccination Officer any information they may obtain as to children and others unprotected by vaccination.

The Sanitary Authority themselves should, on any appearance of small-pox within their district, at once proceed (under the powers of the Public Health Act, 1875) to see that proper means to prevent the spread of the disease by ISOLATION OF THE SICK AND BY DISINFECTION OF INFECTED HOUSES AND THINGS, are adopted. Any extension of the disease from the house first infected, or any fresh importation of it, needs to be dealt with in the same way. And as, from the extreme infectiousness of small-pox, every new case is a fresh source of danger, it is of the first importance towards preventing the spread of the disease that the necessary measures of the kind above-mentioned should be taken in each case at the earliest possible moment. Hence it is important for every Sanitary Authority to see that

their Medical Officer of Health is kept informed, as completely and promptly as possible, of all cases of small-pox occurring in the district. The knowledge thus obtained should be supplemented by information procured by house to house inquiry in each locality invaded as to cases of modified small-pox that may have escaped recognition or treatment, and by immediate notice from the District Registrars of all deaths from small-pox.

Appdx.
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In any district invaded by small-pox the Sanitary Authority will find especial advantage in possessing powers under the Infectious Disease (Prevention) Act, 1890.(a)

The following are the measures which Sanitary Authorities should take for the attainment of these objects :—

1. It is of great importance that all persons suffering from small-pox, and so lodged that the isolation of them from healthy persons cannot be secured without their removal, should be removed to some special hospital or place for the reception of the sick. The 124th Section of the Public Health Act, 1875, in the cases before mentioned, gives power to a Justice to order such removal ;(b) and

(a) This Act may be adopted at the option of Sanitary Authorities. But it is to be remembered that at least 14 clear days' notice of the proposed resolution to adopt the Act must be given to every member of the Authority: Also that the resolution adopting the Act must be locally advertised at least a month before it can come into force. It is important therefore that adoption of this Act be not deferred until infectious disease is actually epidemic in the district.

(b) In the case of *Warwick v. Graham*, L. R. [1899] 2 Q. B. 191, where it was proved that a person suffering from a dangerous infectious disorder had proper lodging and accommodation, so far as he himself was concerned, at his father's house, but that he could not be properly isolated, and there would be danger of infection to the other inmates of the house if he remained there, it was held that there was evidence that he was "without

Appdx. resort should be had to this provision wherever such
— a measure seems necessary to prevent the spread of the disease. Similar powers for the necessary detention in hospital of persons suffering from infectious disease, are obtainable under the 12th Section of the Infectious Disease (Prevention) Act, 1890. The 91st Section of the Public Health Act, 1875, including within the term "nuisance" such overcrowding of a house or any part of a house as is dangerous or injurious to the health of the inmates, should also receive the special attention of the Sanitary Authority wherever any infectious disease is or threatens to become prevalent in the district; and the powers given in the 142nd Section of the Act of 1875, as well as those obtainable under Sections 8, 9, and 10 of the above-named Act of 1890, should, if necessary, be exercised with regard to the bodies of persons who die of small-pox.

2. If it be doubtful whether suitable accommodation will be found in existing hospitals for the cases of small-pox in the district which ought to be removed from their homes, the Sanitary Authority, who (under Section 131 of the Public Health Act) have power to provide any requisite accommodation for such cases, should bear in mind that small-pox hospitals, as we know them, are apt to disseminate small-pox, and that their sites, therefore, should be placed outside of towns, and should indeed be sought at places as far distant from any populated neighbourhood as considerations of accessibility permit.

proper lodging or accommodation" within the meaning of Section 124 of the Public Health Act, 1875, Mr. Justice Day remarking that the section referred to is clearly directed not only to the protection of the sick person himself but to the protection of other persons from infection.

3. It is equally necessary that all houses or rooms and things infected with small-pox should be disinfected under skilled direction, and with as little delay as possible after the removal, convalescence, or death of the patient, and for this provision is made in Section 120 of the Public Health Act, 1875, and more fully in Sections 5, 6, and 7 of the Infectious Disease (Prevention) Act, 1890. To secure the disinfection of houses or rooms being properly performed it will be desirable that it should, in as many cases as possible, be done by the servants of the Sanitary Authority, and to the satisfaction of the Medical Officer of Health. Under the 15th Section of the Infectious Disease (Prevention) Act, 1890, temporary shelter or house accommodation may be provided for the members of any family in which infectious disease has appeared, and who are compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected by the Sanitary Authority. In order that infected articles and things may be readily but sufficiently disinfected, it will be necessary that a place, with the requisite apparatus and attendance, for disinfection (preferably by steam) be ready for use (Public Health Act, 1875, Section 122). If these public means of disinfecting infected articles and things have not already been provided, this should at once be done. Often it will be better, instead of disinfecting infected articles (such as bedding and clothing), to destroy them; and the Sanitary Authority have power, under Section 121 of the Public Health Act, 1875, to do this, and to make compensation for the articles destroyed.

4. As infectious diseases may be spread by the

Appdx.
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Appdx. — use of public carriages for the conveyance of the sick and of convalescents, the Sanitary Authority should (under Section 123 of the Public Health Act, 1875) provide suitable means of conveyance to and from hospital of persons suffering or recovering from small-pox.

5. The Sanitary Authority should also bear in mind their powers as to dealing with infectious diseases in any tent, van, shed, or similar structure, under Section 9 of the Housing of the Working Classes Act, 1885.

6. Public notice should be given of the penalties to which persons are liable on account of the exposure of small-pox patients, the use without proper precautions of public carriages for the conveyance of persons suffering from small-pox or of the bodies of those who have died therefrom, the letting of infected houses or rooms, the sale or sending about of infected things, or the throwing into ashpits of infectious rubbish; and proceedings should be taken by the Sanitary Authority in every case in which these provisions are disobeyed. (*See Public Health Act, 1875, Sections 126-129, and Sections 7, 11, and 13, Infectious Disease (Prevention) Act, 1890.*)

W. H. POWER, *Medical Officer.*

Local Government Board,
March, 1901.

ORDERS OF THE PRIVY COUNCIL, POOR LAW BOARD AND LOCAL GOVERN- MENT BOARD.

THE following Orders are referred to in the body of the work. They have been superseded by the Vaccination Orders, 1898 and 1899.

- 1st Dec. 1859....Privy Council: Qualifications of public vaccinators and their deputies.
- 15th Feb. 1868 ..Poor Law Board: Form of vaccination contract.
- 18th Feb. 1868 ..Privy Council: Places and times for vaccination under contract.
- 30th Nov. 1871 ..Local Government Board: Forms to be used under the Vaccination Act, 1871.
- 31st Oct. 1874...Local Government Board: Appointment and duties of vaccination officers; Regulations as to proceedings against defaulters.
- 28th Feb. 1887 ..Local Government Board: Instructions for vaccinators under contract.
- 3rd Feb. 1888 ...Local Government Board: Regulations as to re-vaccination.
- 7th Feb. 1897 ...Local Government Board: Instructions for vaccinators under contract (calf lymph).



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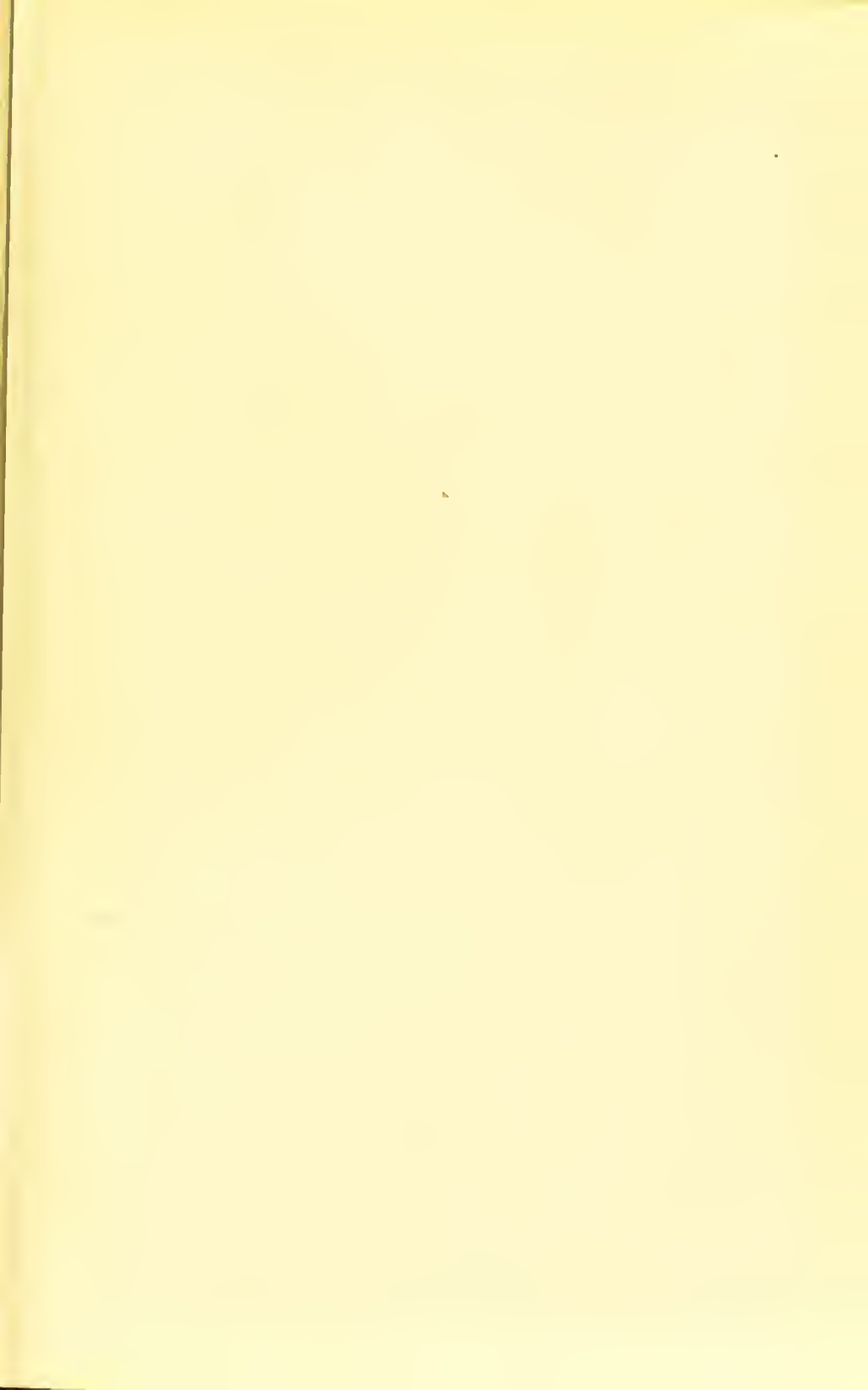
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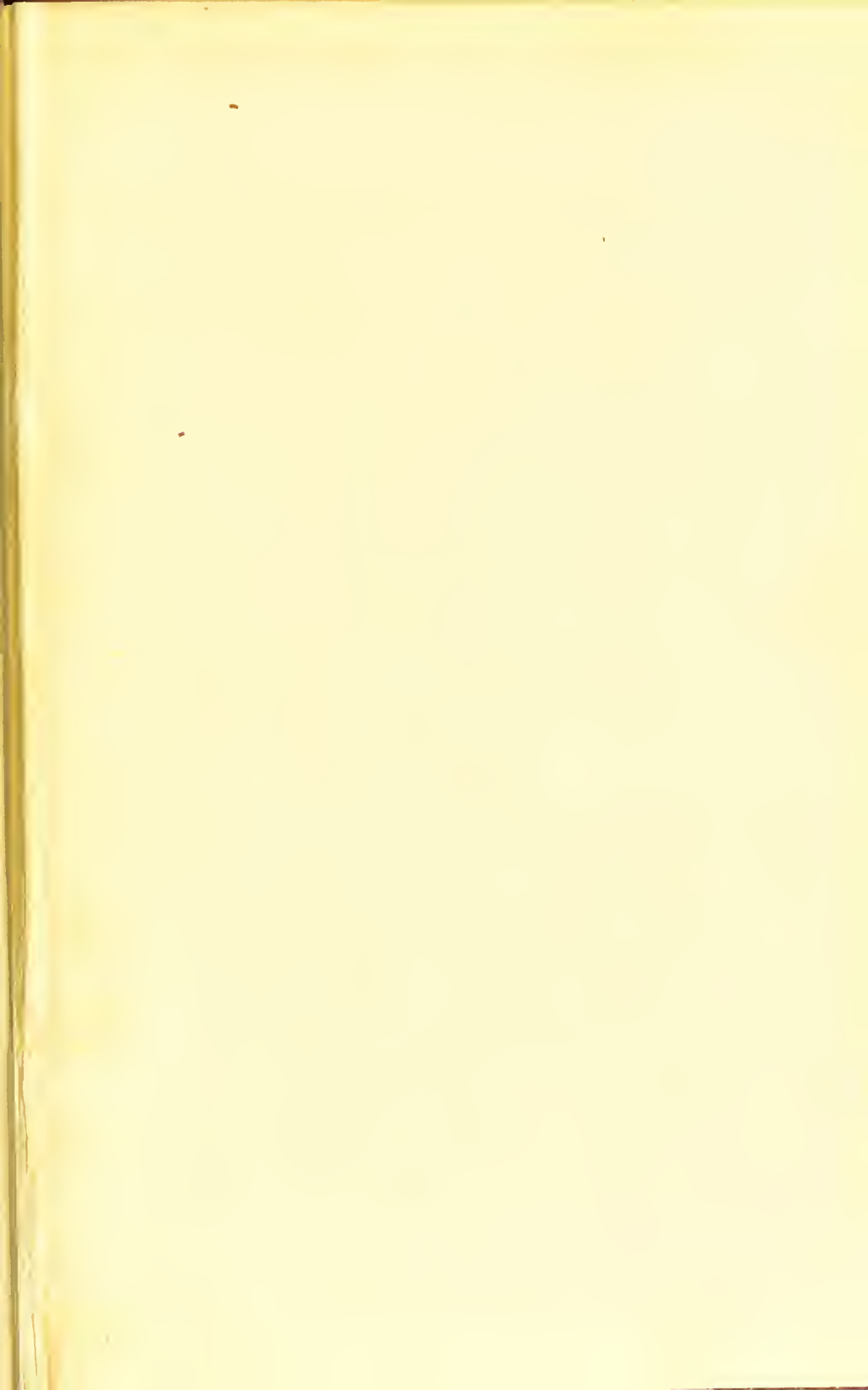
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